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HISTORY
OF
TENNESSEE

V. I

FROM THE EARLIEST TIME TO THE PRESENT; TOGETHER WITH AN HISTORICAL
AND A BIOGRAPHICAL SKETCH OF FROM TWENTY-FIVE TO THIRTY
COUNTIES OF EAST TENNESSEE, BESIDES A VALUABLE
FUND OF NOTES, ORIGINAL OBSERVA-
TIONS, REMINISCENCES,
ETC., ETC.

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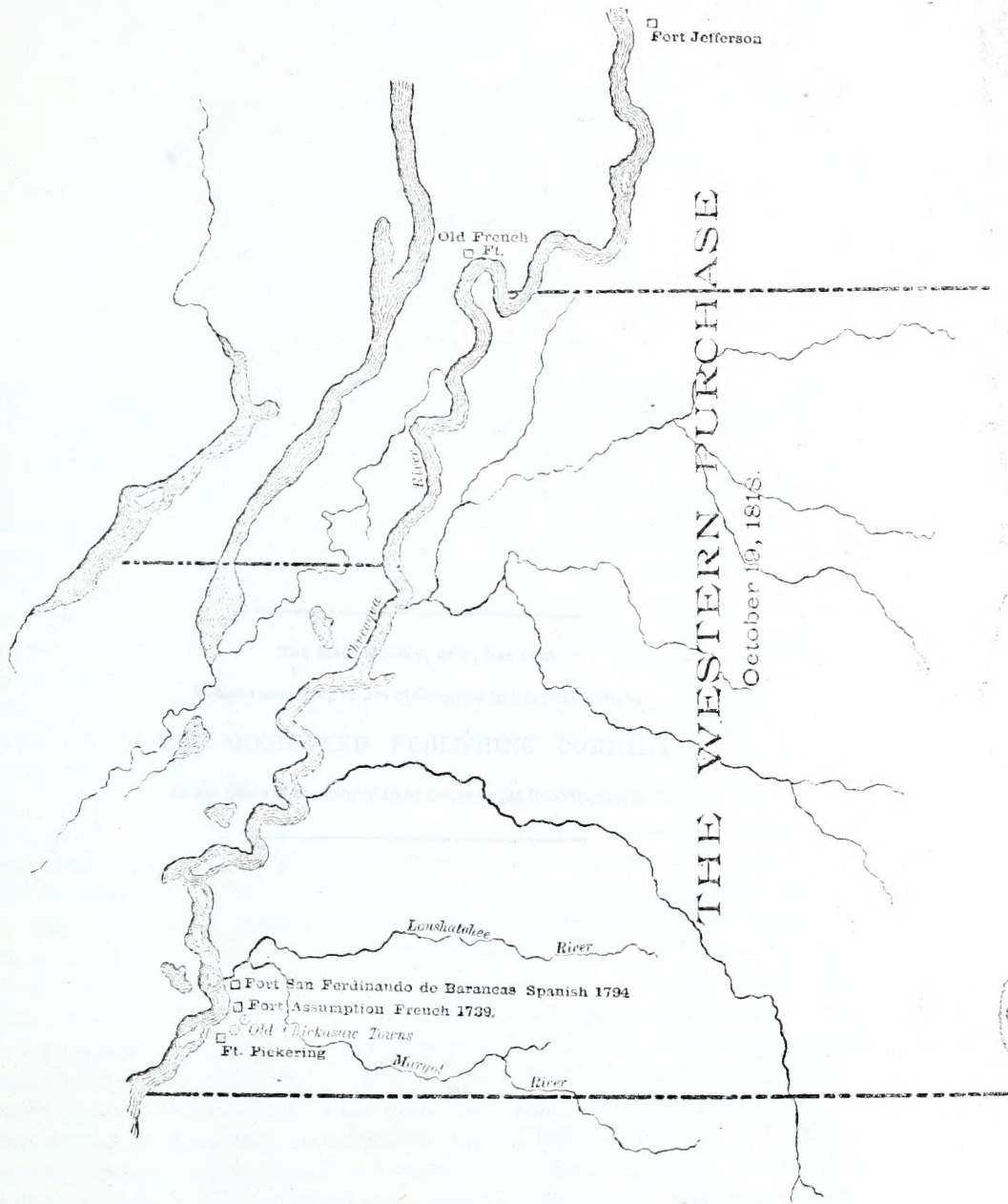
TENNESSEE

From the earliest times to the present day, Tennessee has been a land of great interest and importance. It has been the scene of many of the most important events in the history of the United States. It has been the home of many of the most distinguished men of the country. It has been the birthplace of many of the most important movements of the country. It has been the center of many of the most important industries of the country. It has been the seat of many of the most important governments of the country. It has been the home of many of the most important religions of the country. It has been the center of many of the most important cultures of the country. It has been the seat of many of the most important sciences of the country. It has been the home of many of the most important arts of the country. It has been the center of many of the most important literatures of the country. It has been the seat of many of the most important philosophies of the country. It has been the home of many of the most important religions of the country. It has been the center of many of the most important cultures of the country. It has been the seat of many of the most important sciences of the country. It has been the home of many of the most important arts of the country. It has been the center of many of the most important literatures of the country. It has been the seat of many of the most important philosophies of the country.

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PREFACE.

THIS volume has been prepared in response to the prevailing and popular demand for the preservation of local history and biography. The method of preparation followed is the most successful and the most satisfactory yet devised—the most successful in the enormous number of volumes circulated, and the most satisfactory in the general preservation of personal biography and family record conjointly with local history. The number of volumes now being distributed appears fabulous. Within the last four years not less than 20,000 volumes of this class of works have been distributed in Kentucky, and the demand is not half satisfied. Careful estimates place the number circulated in Ohio at 50,000; Pennsylvania, 60,000; New York, 75,000; Indiana, 35,000; Illinois, 40,000; Iowa, 35,000, and every other Northern State at the same proportionate rate. The Southern States, with the exception of Kentucky, Virginia and Georgia, owing mainly to the disorganization succeeding the civil war, yet retain, ready for the publisher, their stories of history and biography. Within the next five years the vast and valuable fund of perishing event in all the Southern States will be rescued from decay, and be recorded and preserved—to be reviewed, studied and compared by future generations.

The design of the present extensive historical and biographical research is more to gather and preserve in attractive form while fresh with the evidences of truth, the enormous fund of perishing occurrence, than to abstract from insufficient contemporaneous data remote, doubtful or incorrect conclusions. The true perspective of the landscape of life can only be seen from the distance that lends enchantment to the view. It is asserted that no person is competent to write a philosophical history of his own time—that, owing to conflicting circumstantial evidence that yet conceals the truth, he can not take that luminous, correct, comprehensive, logical and unprejudiced view of passing events that will enable him to draw accurate and enduring conclusions. The duty, then, of a historian of his own time is to collect, classify and preserve the material for the final historian of the future. The present historian deals, in fact, the future historian, in conclusion; the work of the former is statistical, of the latter, philosophical.

To him who has not attempted the collection of historical data, the obstacles to be surmounted are unknown. Doubtful traditions, conflicting statements, imperfect records, inaccurate private correspondence, the bias or untruthfulness of informers, and the general obscurity which envelops all events combine to bewilder and mislead. On the contrary, the preparation of statis-

PREFACE.

ry by experienced, unprejudiced and competent workers in special-
the accomplishment by a union of labor of a vast result that would cost
one person the best years of his life and transfer the collection of perishing
event beyond the hope of research; the judicious selection of important matter
from the general rubbish; and the careful and intelligent revision of all final
manuscript by an editor-in-chief, yield a degree of celerity, system, accuracy,
comprehensiveness and value unattainable by any other method. The pub-
lishers of this volume, fully aware of their inability to furnish a perfect his-
tory, an accomplishment vouchsafed only to the dreamer or the theorist, make
no pretension of having prepared a work devoid of blemish. They feel as-
sured that all thoughtful people, at present and in future, will recognize and
appreciate the importance of their undertaking and the great public benefit
that has been accomplished.

In the preparation of this volume the publishers have met with nothing but
courtesy and assistance. They acknowledge their indebtedness for valuable
favors to the Governor, the State Librarian, the Secretary of the State Historical
Society and to more than a hundred of other prominent citizens of Nashville,
Memphis, Knoxville, Chattanooga, Jackson, Clarksville and the smaller cities
of the State. It is the design of the publishers to compile and issue, in con-
nection with the State history, a brief yet comprehensive historical account of
every county in the State, copies of which will be placed in the State Library.
In the prosecution of this work they hope to meet with the same cordial as-
sistance extended to them during the compilation of this volume.

THE PUBLISHERS.

NASHVILLE, October, 1887.

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HISTORY OF TENNESSEE.

CHAPTER I.*

GEOLOGY OF THE STATE—BOUNDARY AND AREA—DRAINAGE AND MEAN ELEVATION—GENERAL TOPOGRAPHICAL FEATURES—NATURAL GEOLOGICAL DIVISIONS—CLASSIFICATION AND DESCRIPTION OF STRATA—TENNESSEE GEOLOGICAL PERIODS—LOCAL DETAILS—VARIETIES OF SOIL—THE COAL INTERESTS—LOCAL STRATIFICATION—ANALYSIS AND COMPARISON OF COALS—IRON DEPOSITS AND VARIETIES—PALEONTOLOGY—COPPER AND GALENITE—OTHER METALS—THE MARBLE BEDS—HYGROMETRY AND TEMPERATURE—PRINCIPAL ELEVATIONS OF THE STATE.

THE southern boundary of the State of Tennessee coincides mainly with the thirty-fifth parallel of north latitude, while the northern boundary is a broken line lying between the parallels thirty-six degrees and twenty-nine minutes and thirty-six degrees and forty-one minutes north latitude. The mean breadth is slightly more than 100 miles, and the mean length about 385 miles, the general outline forming a long trapezoid. The State comprises an area of about 42,000 square miles. The general elevation above the sea, excepting the leading highest and lowest localities, is about 900 feet. The entire surface of the State, excepting a small tract on the southeast, the waters of which find their way into Georgia, is drained by the tributaries of the Ohio and Mississippi Rivers, the most important being Tennessee, Cumberland, Forked Deer, Obion and Hatchie.

On the eastern boundary of the State, with numerous outliers and projections, are the Appalachian Mountains,† consisting of high ranges more or less parallel, with isolated peaks and domes, all interspersed with numerous ravines, creeks and coves, and the entire region presenting the most picturesque and romantic scenery of the State. Westward of this mountainous system to just beyond the Tennessee River spreads a broad valley with most distinguishing features. The general surface is uniform, but is cut up with numerous long, high ridges extending northeast and southwest, surmounted with occasional mountainous elevations, and

*Adapted to this volume from the report of the State Geologist.

†Named by the Spaniards under De Soto, who derived the term from the Indians.—*Am. Cyc.*

broken here and there by gaps, or is dotted with innumerable knobs, often mountainous, all of which are encircled with valleys, linear or curving, to correspond with the elevation. The general surface, excluding the extremes, is about 900 feet above the level of the sea. The entire valley with all its coves and extensions has an area of about 9,200 square miles. Westward of this valley lies the Cumberland Table-land, the eastern boundary of which is high and almost unbroken from Kentucky to Alabama, while the western boundary is very irregular, with less elevation and with numerous valley and stream indentations. Though the table-land contains many streams and small valleys, it is, in the main, of uniform surface, but broken with mountainous ridges and knobs, particularly in the northeastern portion. The mean elevation is about 2,000 feet, and the extent is about 5,100 square miles. West of the table-land is the Central Basin, having the general outline of an ellipse with a length (nearly north and south) of about 121 miles, and a width of from fifty-five to sixty miles. It comprises about 5,451 square miles, and has a mean elevation of from 500 to 600 feet. The surface is knobby or billowy, with numerous large and very fertile tracts. Outside of the basin, entirely encircling it, is the Highland Rim, an extremely hilly portion of the State. It is over 1,000 feet above the sea. The hills on each side of the western valley of the Tennessee are from 800 to 1,000 feet above the sea, while the elevation of the valley at Hamburg is only 392 feet. The Mississippi slope of West Tennessee, though in the main level, is veined with peculiar stream valleys, is about eighty-four miles wide, stretches north and south across the State and terminates abruptly on the west with the bluff deposits which skirt the valley of the Mississippi. The bluffs reach the river at Memphis, at the lower part of Tipton County, at Randolph and at Fulton. The mean elevation is about 450 feet, and the extent about 8,850 square miles. The Mississippi Valley is low, swampy and level. Reelfoot Lake, lying in this valley, was formed during the volcanic convulsions of 1811-12, when Reelfoot Creek, which then emptied into the Mississippi, was dammed up and its water spread out over a tract of country from three-fourths to three miles wide and eighteen miles long, forming the present lake, which finally forced an outlet through Obion River. The elevation of the valley is about 215 feet at Memphis and 295 feet on the northern boundary of the State.

The geological features of Tennessee are so marked and have been so minutely and critically examined by competent State authorities, that but little if any improvement can be made to what has already been made public. The State presents to the geologist eight localities having dis-

tinct characteristics as follows: 1. The Unaka region. 2. The valley of East Tennessee. 3. The Cumberland Table-land. 4. The Highland Rim. 5. The Central Basin. 6. The Western Valley of the Tennessee River. 7. The Plateau slope of West Tennessee. 8. The Mississippi Bottom region. The characteristics of each division will be described somewhat in detail, leaving the more minute particulars to the province of local history. To prepare the reader for a clearer knowledge of the subject, an outline of the science of geology in general is presented. For convenience, students of geology have divided the strata of the earth into clearly defined groups, having uniform distinctions, to which names implying the leading characteristics have been given, as follows:

1. Archæan Period, Archæan Age, Azoic Time.
2. Primordial Period, Lower Silurian Age, Paleozoic Time.
3. Canadian Period, Lower Silurian Age, Paleozoic Time.
4. Trenton Period, Lower Silurian Age, Paleozoic Time.
5. Niagara Period, Upper Silurian Age, Paleozoic Time.
6. Salina Period, Upper Silurian Age, Paleozoic Time.
7. Helderberg Period, Upper Silurian Age, Paleozoic Time.
8. Oriskany Period, Upper Silurian Age, Paleozoic Time.
9. Corniferous Period, Devonian Age, Paleozoic Time.
10. Hamilton Period, Devonian Age, Paleozoic Time.
11. Chemung Period, Devonian Age, Paleozoic Time.
12. Catskill Period, Devonian Age, Paleozoic Time.
13. Subcarboniferous Period, Carboniferous Age, Paleozoic Time.
14. Carboniferous Period, Carboniferous Age, Paleozoic Time.
15. Permian Period, Carboniferous Age, Paleozoic Time.
16. Triassic Period, Reptilian Age, Mesozoic Time.
17. Jurassic Period, Reptilian Age, Mesozoic Time.
18. Cretaceous Period, Reptilian Age, Mesozoic Time.
19. Lignitic Period, Mammalian Age, Cenozoic Time.
20. Alabama Period, Mammalian Age, Cenozoic Time.
21. Miocene Period, Mammalian Age, Cenozoic Time.
22. Pliocene Period, Mammalian Age, Cenozoic Time.
23. Glacial Period, Mammalian Age, Cenozoic Time.
24. Champlain Period, Mammalian Age, Cenozoic Time.
25. Recent Period, Mammalian Age, Cenozoic Time.
26. Human Period, Mammalian Age, Cenozoic Time.

Azoic is so called because it is destitute of evidences of the remains of animal, and possibly vegetable, life; Paleozoic because of the appearance of both animal and vegetable life; Mesozoic because of its situation between the earlier and present times, and Cenozoic because of the presence of mammals. Of the ages, Silurian represents that when the simpler form of both animal and vegetable life appeared; Devonian when fishes and kindred animal life and a more advanced vegetable life appeared; Carboniferous when a gigantic vegetation enveloped the earth; Reptilian when the swampy surface of the earth became filled with reptiles, some of gigantic size; Mammalian when animals which suckle their

young flourished. The latter age comprises human beings. The periods are superimposed upon each other in the order given above, the Archæan being the lowest and oldest, and the others being formed in succession since through the lapse of an indeterminate though very long period of years. A stratum is a more or less homogeneous layer of earth, the term earth being used to designate any portion of what is commonly called ground. All strata, whether stone, sand, clay, gravel or other inorganic material, were originally rocks, which are either yet in that state or have been more or less powdered, mainly by the action of the climatic elements, and have become associated with more or less organic matter, thus forming the numerous varieties of soil. As the fertility of soil depends upon its degree of disintegration, the quantity and quality of organic and inorganic matter combined, and the extent and character of chemical union between the constituents, it becomes a question of great value to the husbandman to be able to determine the properties of his soil, its strength under certain continued vegetation, the proper time for a change of crops, for the work of the plow and for the use of manures, and many other important particulars. Each period given above represents a long, indefinite lapse of time, extending into the tens and probably the hundreds of thousands of years, and comprising various strata of different kinds of soil, each of which was formed under the surface of water or by its action, and has been definitely defined and ascertained.

Of the above periods only thirteen are represented in Tennessee, as follows: Primordial.—The metamorphic rocks, the Ocoee slates and conglomerates, and the Chilhowee sandstone. Canadian.—The Knox group of magnesian limestones and shales, and the Lenoir limestone. Trenton.—The Lebanon and Nashville limestones. Niagara.—Clinch Mountain sandstone, the Dyestone or Red Iron ore formation, and the Clifton limestones. Helderberg.—The Linden limestone, Hamilton.—The Black Shale. Subcarboniferous.—The Barren Group, the St. Louis limestone and the Mountain limestone. Coal Measures.—The coal formation. Cretaceous.—The Coffee sand, the Rotten limestone, and the Ripley Group. Lignitic.—The Flatwood clays and sands, and the La-Grange sand. Glacial.—The Orange sand. Champlain.—The Bluff Loam. Recent.—Alluvium.

The Primordial Period includes the Metamorphic rocks, the Ocoee slates and conglomerates, and the Chilhowee sandstones. These are very thick and massive formations, and embrace the rocks of the great Unaka range. Their strata are hard and pre-eminently mountain-making, and are not found outside of the Unaka mountain area. The

lands can never be brought into successful cultivation on account of the ruggedness of the country. Magnetic iron ore, copper ore, roofing slate, building material, and some gold are found in these formations. The metamorphic formation is composed of thick and thin-bedded granite-like rocks called gneiss, talcose slate and mica slate, the constituents of which are quartz, mica, feldspar, talc and similar minerals. They were originally common sandstones, conglomerates, shales, etc., which have lost their original character and have become crystallized through the agency of heat or other means. The soils of this locality are generally thin and poor, with here and there a spot of singular fertility. Wild grasses grow fairly well, and fine walnut, cherry, poplar, beech and oak abound. Buckwheat grows luxuriantly in a few spots. The copper mines of Polk County and the magnetic iron ore of Carter County are in this formation. The Ocoee group is a series of changeable rocks having an estimated thickness of 10,000 feet, and composing the greater part of the Unakas. There are heavy beds of conglomerates, sandstones, clay slates, semi-talcose and roofing slates, and dolomite or magnesian limestone. Occasional veins of quartz are gold-bearing. The beds of roofing slates are especially valuable. The soil is similar to that of the metamorphic formation. The Chilhowee sandstone has an estimated maximum thickness of not less than 2,000 feet, and extends to Chilhowee and similar mountains which form the most northwesterly interrupted range of the Unakas. The stone is usually heavy-bedded and grayish white when weathered, but is sometimes whitish quartose and sometimes includes sandy shales.

The Canadian Period includes the Knox group of magnesian limestones and shales and the Lenoir limestone. The Knox sandstone of this period forms ridges which present a sort of transition between the mountain and valley formations. It comprises variegated sandstones, shales and occasional dolomites, having an aggregate thickness of 800 to 1,000 feet. The formation is of little agricultural importance, but presents marked topographical features, such as sharp roof-like or comby ridges. Webb's, Rosebury's, Bay Mountain, Beaver, Bull Run and Pine Ridges are of this formation. The Knox shale is a brown, reddish, buff or green calcareous shale 2,000 or more feet thick. Occasionally it contains thin layers of oolitic limestone, and as it approaches the Unakas becomes more calcareous, even to a slaty limestone or dolomite. Upon this formation of the Knox group are the principal valleys, especially in the northwestern, western and southern portions of the valley of East Tennessee. It contains many long, beautiful and generally rich valleys. Fossil shells and trilobites, about the oldest specimens of animal life found in Tennes-

see, occur in the limestone layers of this group. The entire valley of East Tennessee was, doubtless, once much higher than at present, but has been denuded by the action of water principally, leaving the strata in variable inclinations. The Knox dolomite outcrops over a large portion of East Tennessee Valley, and is the most massive formation in the State. It is estimated to be nearly a mile in thickness, and consists of heavy-bedded strata of blue and gray limestones and dolomites, being often oolitic at the base and crystalline or sparry above, with more or less chert or flint occurring sparsely in thin layers and nodules. It is composed of the carbonates of lime and magnesia containing more or less sand, argillaceous and ferruginous matter, with fossils in the lower oolitic strata; and its outcrops are confined to this valley, with the single exception of an exposure in the curious Well's Creek Basin, in Houston County. In several places in the Central Basin it is not far from the surface. Generally the disintegration of the dolomite furnishes rich plant food, and nearly all grains grow well in the better localities.

The Trenton Period, comprising the Lebanon and Nashville limestones, is, in general, a great series of blue limestone, rich in fossils and plant food. They are the principal rocks of the Central Basin, lying approximately in a horizontal position, and constitute the surface rocks of many long valley-ranges of East Tennessee, of which the soils are distinguished for their fertility and the ranges for their symmetry and beauty. They are also uncovered in the western valley of the Tennessee. Under denuding and eroding agencies these rocks present the richest valley and lowland depressions. The maximum thickness of the period in East Tennessee is between 2,500 and 3,000 feet. It has two members—the lower blue limestone on both sides of the valley and the upper calcareous though sandy stone in the southeast half of the valley. The lower member varies in thickness from 200 to 600 feet. Further north it is thin and poor. It is more or less argillaceous, and with the Knox dolomite forms many rich valleys. It often dips at right angles. The upper member is, in the southeast, a great mass of sky-blue calcareous shale more or less sandy. It often contains thin layers of limestone and sandstone and has a maximum thickness of about 2,000 feet. The two great belts where this stone outcrops, called the Gray Knobs and the Red Knobs, present distinguishing and important characteristics. In the tract of the Gray Knobs bold, pointed and steep hills, with vales of great strength and fertility winding among them, stand crowded together. Their existence is due to the different erosive effects of water agencies upon rocks of varying and widely opposite degrees of hardness, the softer being washed or worn away and the harder slowly left high and

dry above the subsiding glacial sea. Upon the tract of the Red Knobs are remarkable lines of red hills whose origin is primarily due to a few interpolated plates of a hard ferruginous sandy limestone, which, aided by the strata dip, have partially saved the adjacent softer rocks from erosion and have deeply colored the soil with the liberated red iron oxide. The slopes of the red hills are often very rich. In this tract a few gray knobs appear. Another interpolated rock is the variegated red and white, or grayish-white, marble which occurs in heavy strata and outcrops in long lines and in inexhaustible quantity, and in other localities than the red tract. In the northwest half of the valley the upper member loses much of its sandy, shaly character, becomes thin-bedded and blue, is loaded with fossils and yields an excellent soil. The interpolated beds gradually disappear and the mass loses its thickness and the marble is reduced to a minimum. Beaver Creek, Raccoon, Hickory, Big, Powell's, Tennessee, Lookout and Savannah Valleys rest upon these limestones. The Sequatchie Valley is an outlier, very similar in structure, of the Eastern Tennessee Valley. Outcroppings of the Knox dolomites and the blue Trenton limestones occur. There is more or less dip to all the strata in these valleys. In the Central Basin, however, they become practically horizontal. The Trenton and Nashville divisions are easily distinguished and constitute the bottom and much of the sides of the basin. The Trenton are more argillaceous and the Nashville more silicious, with a darker blue color. Each division is about 500 feet in thickness. The Trenton is subdivided into Central, Pierce, Ridley, Glade and Carter's Creek limestones. The Central is a dove-colored, thick-bedded limestone, containing much chert or flint, is the lowest stratum of the basin and exposes a thickness of about 100 feet. It outcrops over a circular area whose diameter is about thirteen miles, Murfreesboro being within the area. The soil here is rich, containing considerable iron from the decomposing chert, the red color being due to the oxide of iron. Around this area in a circular belt with a thickness of about twenty-seven feet outcrop the beds of the flaggy, Pierce limestone. Around this belt is another called the Ridley stone, consisting of heavy-bedded dove-colored limestone, having a thickness of ninety-five feet and furnishing a fine soil. Still another belt encircles the last mentioned and is called Glade limestone, consisting of light blue, flaggy stone with an aggregate thickness of 120 feet. Upon this belt grow the red cedar forests, from which alone could the outcrops be traced. This stone constitutes the surface of large portions of Rutherford, Wilson, Bedford and Marshall, and occurs in less extent in Maury, Williamson and Davidson. Lebanon, Shelbyville and Columbia, rest partly upon this belt. Above the Glade stratum appears Car-

ter's Creek limestone with a thickness of 50 to 100 feet. It is heavy-bedded and dove-colored and is used for lime on Carter's Creek, being much whiter. The Nashville formation, as a whole, is fairly homogeneous, though about seventy feet near the base contains considerable sand. This stone furnishes the surface-rock of several of the best farming regions of the basin, the country between Columbia and Mount Pleasant being one. In the Well's Creek Basin, Houston County, the Trenton and Nashville rocks outcrop around the Knox dolomite and also appear in the Western Valley of the Tennessee, mainly as a hydraulic limestone. These formations furnish the marbles of East Tennessee, the hydraulic limestones of the Eastern and Western Valleys and the basin, the flagstones, lime-rock and building materials so valuable to the State, and much of the most fertile soil.

The Niagara Period includes the Clinch Mountain sandstones, the dyestone or red iron ore formation and the Clifton limestone, with thin subdivisions. Between the Trenton and Nashville rocks and the Clinch sandstone is a stratum of red calcareous shale, which in Hawkins County is 400 feet thick. Resting upon this is the Clinch Mountain Rock, which is a grayish-white, thick-bedded sandstone about 400 feet thick. It forms the southern slope of Clinch Mountain, and below it always appears the red shale. Neither this stone nor the red shale is found outside of the Eastern Valley or south of Knox County. It is associated with high ridges, such as Clinch Mountain, Stone Mountain, Devil's Nose, House Mountain, Bay's Mountain, Newman's Ridge, Powell's and Lone Mountains. The sandstone yields a poor soil; the shale a better one. The White Oak Mountain sandstone is a reddish-brown, greenish, buff or other colored rock accompanied with shales, and occurs on White Oak Mountain's eastern slope and summit, and on the eastern slopes of Powell's and Lone Mountains. It is a mountain formation and is about 500 feet thick. The Dyestone group, enclosing the red iron ore, appears on the northwestern side of the Eastern Valley and comprises a series of variegated shales and thin sandstones from 100 to 300 feet thick, which contain from one to three or more layers of fossiliferous iron ore, much of the mass being quite calcareous with occasional beds of thin limestone. This formation is found in numerous small but long ridges, one of which extends along the eastern base of the Cumberland Table-land from Virginia to Georgia, representing everywhere more or less iron ore. The Niagara limestone occurs mainly in the Western Valley and is a thick-bedded fossiliferous stone, somewhat argillaceous and often crystalline, and frequently weathers into shale-forming glades. At its greatest development this formation is about 200 feet thick and is divided into two members,

the lower consisting of red and variegated strata, several being fair marble, and the upper of gray rocks. This formation outcrops over the greater portion of the Western Valley. It extends eastward and appears on Duck and Buffalo Rivers, and on the western edge of the basin. On the eastern base of Powell's Mountain and at the base of Newman's Ridge it also outcrops.

The Lower Helderberg limestone has its greatest development in the Western Valley, and is a series of blue, thin-bedded fossiliferous rocks, containing cherty layers, and has a maximum thickness of about seventy feet. It furnishes an excellent soil and outcrops on Duck and Buffalo Rivers and on the northwestern slope of the basin.

The Hamilton Period is represented by the black shale, a nearly black, bituminous, rather tough shale or slate which outcrops in East Tennessee, the Central Basin and the Western Valley of the Tennessee. Its average thickness is less than fifty feet, though in the eastern valley it reaches 100 feet, and the outcrops are linear on the slopes of ridges or in narrow straight valleys at the base of ridges. It contains iron pyrites and enough hydrocarbonic oil to support brief combustion, but is not likely to become a source of coal oil, though often mistaken for coal by novices.

The Subcarboniferous Period is represented by the Barren group, the St. Louis limestone and the Mountain limestone. The former consists of heavy strata of flint or chert, interstratified with more or less limestone, and sometimes becomes a blue calcareous shale and includes heavy beds of crinoidal limestone. In the eastern valley it rests upon the black shale and outcrops on the Dyestone ridges in linear lines, and in the Central Basin appears on the edge and interior portion of the Highland Rim. Its thickness is from 250 to 300 feet, becoming less in the southern part of the State. The coral limestone of this formation is a bluish-gray stone, containing nodules of chert, is fossiliferous, sometimes siliceous and argillaceous, and is characterized by the presence of the fossil *Lithostrotion Canadense*. This stratum has a maximum thickness of 250 feet and outcrops in the eastern valley with the Barren group, and is the chief rock of the higher and greater part of the Highland Rim. The iron of the chert colors the soil red. This stone is usually called St. Louis limestone, and is celebrated in this State and elsewhere for its sink-holes and caves. Just above it is the mountain limestone, which outcrops on the eastern and western slopes of the Cumberland Table-land, and consists of a heavy group of limestones and shales. It forms the base of the table-land, and is thickest in the southern part of the State, decreasing northward to the Kentucky line, where it is 400 feet thick. About one-fourth of the mass, mostly near the top, is shale, and a part is marly. Usually the

strata are highly fossiliferous, rich in plant food, furnishing a strong soil and abundant building material. A heavy sandstone stratum forty to fifty thick occurs in the middle of the group in White and Overton Counties, and gives origin to a terrace around the table-land, and furnishes caps for neighboring "small mountains" and ridges.

The Carboniferous Period comprises the strata containing the coal of the State. The formation caps the table-land, with which it is co-extensive, having an area of 5,100 square miles. It is a series of conglomerates, shales and sandstones, containing beds of coal, and has an average depth of 500 to 600 feet, though in Morgan, Anderson, Scott, Campbell and Claiborne Counties, it reaches 2,000 feet, and contains no less than sixteen beds of coal, one of which, near the base, is from four to seven feet thick. Sandstone lies next under the surface of the table-land, and shale outcrops on the sides of the ridges.

The Cretaceous Period, comprising the Coffee sand, the Rotten limestone and the Ripley group, outcrops in Hardin and Decatur Counties and consists of a group of stratified sands usually containing mica, with which are often associated strata of dark clay, often very thin but sometimes predominating. Laminated or slaty clay from one to twenty feet thick is occasionally found, and numerous woody fragments and leaves occur, mainly in the form of lignite. The thickness is probably about 200 feet. In Hardin County the river washes the Coffee sand, as at Coffee, Crump's and Pittsburgh Landing. Above and lapping over the Coffee sand is the Rotten limestone or green sand, consisting of fine quartzose sand mixed with clay, with which there is much calcareous matter and green grains of glauconite. This formation contains many fossil shells, some of which are very large, conspicuous among them being fossil oyster shells, which, in some localities, have been burned for lime. Its greatest thickness is in McNairy County—350 feet. When dry it is greenish gray; when wet, darker. The Ripley group is mainly stratified sands, often laminated, with strata of clay and an occasional bed of slaty clay. In Hardeman County a bed of limestone two to six feet thick and a bed of green sand containing shells occur. This group is from 400 to 500 feet thick.

The Lignitic Period comprises the Flatwood clays and sand and the LaGrange sand. The Flatwood group is 200 to 300 feet thick and is much similar to the Ripley and the Coffee sands, but contains more laminated or slaty clay. This is called the Porter's Creek group, as a bed of laminated clay of the group, 100 feet thick, outcrops on that creek. The LaGrange group is a broad belt about forty miles wide, extending north and south over the central part of West Tennessee and is a stratified mass of

sands, more or less argillaceous, which, when weathered, are yellow, red and orange. The sands are similar to those above and contain leaves and lignitic beds, and masses of white and colored clays occur. This group is, perhaps, 600 feet thick.

The Glacial Period gives the State the Orange sand or drift. After the formation of the groups above described the entire western portion of the State appears to have been covered with water, which deposited over the surface an irregular layer of unstratified sand and gravel, and to this the term "Orange sand" has been applied. The formation is variegated in color, though mainly orange and red, is of great extent, is of variable thickness, disclosing here and there the underlying formations. The beds of gravel of the western valley, of the highlands and of the iron strata, belong to this group.

The Champlain Period furnishes the Bluff deposit, loam or loess, which caps the uplands of Shelby, Tipton, Lauderdale, Dyer and Obion Counties, and is a stratum of fine siliceous loam, more or less calcareous, and usually colored ashen, yellowish or buff, and contains land and fresh-water shells and numerous calcareous nodules. The group ranges in thickness from a few feet to 100 feet; and the eastern boundary is only partially established, owing to the gradual disappearance of the loam. The various formations above it outcrop on the slopes of the bluffs along the Mississippi—on top the loam, below it the Orange sand and still lower the LaGrange group.

The Recent Period includes the alluvial bottoms of all the larger streams, and consists of inorganic washings from the neighboring highlands, associated with more or less decomposing organic matter, furnishing the richest and most productive soil of the State. The Mississippi bottom is the largest and most important.

The Soils.—The soils owe their characteristics to the underlying rocks, and are best when derived from limestone, dolomites and calcareous shales. Sand gives strength to the stocks of plants, renders the soil porous and suitable for the penetration of air and vital plant gases, permits surplus water and deleterious substances to escape either upward or downward, and, as a base for the union with acid or alkaline salts, furnishes important food for the growth of plants. Clay gives tenacity to the soil, prevents the escape either upward or downward of important gases, retains from rain-water ammonia, nitrogen, carbonic acid and other similar plant foods, and combined with other elements furnishes direct food for the plants. The calcareous or limy soils present many varieties, depending upon the impurities of the rocks, the disintegration of which furnishes the soil. The soil is more or less arenaceous or

sandy and argillaceous, or clayey, with varying quantities of ferric or iron compounds. The soil from the Knox dolomite is calcareous, has a red clay subsoil with chert masses, which is underlaid with rocks of carbonate of lime and magnesia. The soil is very rich but should be rotated with clover to insure almost infinite durability. The Trenton or Lebanon soil rests on blue fossiliferous limestone and covers about half of the Central Basin and is the soil of many valleys of East Tennessee and of the red knobs around Knoxville. It is more friable and fertile but less durable than the soil of the Knox dolomite, and grows all cereals to great perfection, wheat often weighing seventy pounds to the bushel. Cotton grows luxuriantly, as in Rutherford, Giles, Maury and Williamson Counties. The Nashville limestone soil contains a greater quantity of siliceous or sandy matter, is mellow, porous, highly productive, and well adapted to the cereals and all kinds of vegetables. Marvelous melons are grown. This soil is not so tenacious as those containing less sand or more clay and is more easily handled. It constitutes nearly half of the Central Basin and many small valleys of East Tennessee. The subsoil is yellower than that of the Trenton Period. These soils have made their locations famous, and for general excellence are not exceeded by those of any other portion of the State. Their locality is called "the blue-grass region." The Niagara soil is found mainly in the Western Valley of the Tennessee, along Buffalo River, rests upon gray and red limestone, is moderately productive, but not so good for wheat and cotton as those last described, though corn and some of the grasses grow well. This soil must not be confounded with the alluvial soil of those valleys. The Lower Helderberg furnishes a dark gray or chocolate-colored calcareous soil which is mellow than that of the Niagara, but less so than that of the Trenton and the Nashville, and occurs mainly in Benton, Henry, Decatur and Hardin Counties.

The Lower Carboniferous has two soils; the first being characterized by a large fossil coral, *Lithostrotion Canadense*, and is composed of silica, alumina, carbonate of lime, oxide of iron, organic matter, etc., furnishing a distinctly marly soil. It is the best tobacco soil of the State and is as good for wheat as any portion of the Central Basin. Grapes grow to great perfection, and corn, oats, hay and potatoes do well. It is strong, durable, reliable, and is stiffer than many other calcareous soils and less likely to wash. Under the chert bed is a stratum of tenacious clay, which in periods of drouth, supplies the roots of plants with the retained moisture, while the chert bed, in wet seasons, carries off the surplus water, so that the soil is good in either wet or dry seasons. This soil occupies a large portion of the Highland Rim where sink-holes abound. Crops are

certain, and on this soil are many of the best farms of the State. The soil of the Central Basin is more fertile, but, as the underlying limestone is nearer the surface, is more easily affected by drouth, so that, in the end, it is not more productive than the Lower Carboniferous soil. The latter will not admit of tramping, owing to the clay it contains; while the Nashville soil does better with packing, owing to its porous state caused by the presence of considerable sand. Blue-grass does not thrive so well on the clayey soil. The largest orchards of the State are grown on the Lower Carboniferous soil, though many other portions are as valuable in this respect. The second soil of the Lower Carboniferous Period, on the slopes of the tableland, contains less chert, but is highly productive. It is not so red, resembling more the alluvial bottoms, and contains less clay and more sand than the first soil of this period, and is, therefore, more fertile though less durable than the Nashville soil. Heavy forests cover its principal tracts in Overton, White, Warren and Fentress Counties. The green sand soil is a siliceous loam, resting upon mixed sand and clay, containing carbonate of lime and numerous green pebbles of glauconite. Lime is obtained from the numerous shell heaps contained. This constituent renders the soil much more fertile, friable and productive. Cotton and corn, and often wheat, grow well. The green sand giving name to this group, contains gypsum, soluble silica, oxide of iron and carbonate of lime, all fertile ingredients, and may, in the end, as the deposit is eight miles wide and fifty miles long and quite thick, be used extensively as a fertilizer.

The shaly soils of the State are usually cold, clayey, unimportant and unproductive except for grasses. The alluvial soils, in the aggregate, occupy a larger area than any other. Nine hundred square miles lie in one body in the valley of the Mississippi, and to this must be added the immense aggregate of all the creek and river bottoms of the State, a vast though indeterminate expanse. The alluvial soils differ much in character, some containing much lime, some much sand, some a noticeable lack of both, depending on the constituents of the surrounding highlands from which the rich washings come. These alluvial soils are the richest, most durable and productive of the State—most durable because of the constant renewal of their fertile elements drained from the adjacent hills. They are especially adapted for wheat—forty bushels not infrequently being raised upon one acre. A sandy soil is usually warm, a clayey one cold; some are light, heavy, loamy, marly, leachy, limy, sour, sweet, marshy, compact, tenacious, porous, fine, coarse, gravelly or rocky, and their productiveness not only depends upon the fertile elements such as soluble silica, lime, carbon, potash, magnesia, oxide of iron and their compounds and

other fertile matter such as nitrogen, ammonia, carbonic acid, sulphuric acid, etc., but upon climatic and other allied conditions, such as heat, cold, drouths, drainage, rains, subsoils, manures, pulverization, etc. The best condition of a soil for production is a thorough pulverization, with a subsoil of sufficient tenacity to hold fertilizers and moisture, and yet well drained of its surplus waters. The decomposing vegetable matter called humus, gives wonderful richness to the soil and furnishes carbonic acid, nitrogen and ammonia, the life-blood of plants.

The sandy soils are found mainly in West Tennessee. They contain a greater or less quantity of iron compounds, clay and calcareous matter, which, in some localities, give them great vigor, but where these elements are lacking leave them comparatively sterile. Level lands, or those approximately so, if well drained, do best, as they are not washed of their plant food elements so readily. The soil of the Orange sand is the most important, and is spread over the greater portion of West Tennessee. The soils of the Ripley and Flatwood groups embrace some fine farming land, and some too much broken into hills and ridges to be convenient to work. In some localities the Flatwood group contains layers of laminated clay, which furnish a stiff soil. The sandy soils, if properly fertilized and cared for, repay the husbandman with a fair harvest.

The bluff loam, or loess, covering all other formations in the belt of high lands extending from the Kentucky line to Memphis, is a fine calcareo-siliceous earth, often ash colored, sometimes reddish or chocolate colored, and occasionally black. It contains more calcareous matter than the others, except the green sand. Carbonate of lime is sometimes found in concretions in heaps. This soil is among the best in the State, owing its valuable qualities to the lime, sand, iron, clay, etc., it contains, and to the excellent pulverulent qualities it possesses. Tobacco, cotton, wheat, oats, clover, and the grasses grow luxuriantly, while the forests are very extensive and some of the trees of enormous size.

The siliceous or flinty soils are found in greatest abundance over the counties of Lawrence, Wayne, Lewis, Stewart, Montgomery, DeKalb, Cannon, Coffee, Moore, Hickman, Humphreys, Dickson and Franklin, and are thin and poor. They have a bluish, or pale yellow subsoil so porous that manures are lost after a few years. The natural vegetation of all kinds is scrubby and coarse, though a rank grass which grows in open woods supplies large herds of stock. Fruit trees do well. These are the "barrens," which are destitute of calcareous matter and have a porous subsoil and a leachy surface soil. Similar lands containing lime and iron and having a tenacious red subsoil are much better.

The soils of the Unaka region are generally thin and unproductive,

though wild grasses grow well, and here and there a spot of surprising fertility appears. The mountain slopes are often covered with heavy timber. The soil of the Chilhowee sandstone occupies mountainous locations, is limited in extent, but in small spots furnishes gardens and vegetable fields. Blue-grass may be grown on this soil. The soil of the Clinch Mountain sandstone is thin, but potatoes and other vegetables, and grass and timber do well. The Dyestone and White Oak Mountain soils are good, though limited in area. The soil of the Cumberland Table-land, which covers over 5,000 square miles of the State, is sandy and thin, though there are areas of moderate fertility at the foot of knobs and ridges, where fertile washings from the slopes are gathered. All the valleys are fertile, and accordingly productive. No lime appears, all being sand, and compost soon sinks below plant roots. The yellowish red subsoil, with a thin coating of humus, is more valuable than that with less iron and little or no humus. The former, with care and proper composts, may be made highly productive; not so the latter, which is too porous and tender, and, when uncultivated, produces nothing but shrubby trees, hardy, coarse weeds and grass, lichens and mosses. The glades and wet lands along the streams may be made valuable by drainage and by the use of alkalis to neutralize the abundant acid liberated by the decomposition of a superabundance of vegetable remains.

The Coals.—The area of the coal-bearing strata amounts to 5,100 square miles, and over this vast extent of country from one to sixteen seams occur. The coal fields include the counties of Scott, Morgan and Cumberland, the greater portions of Pickett, Fentress, Van Buren, Bledsoe, Grundy, Sequatchie and Marion; considerable portions of Claiborne, Campbell, Anderson, Rhea, Roane, Overton, Hamilton, Putnam, White and Franklin, and small portions of Warren and Coffee. About 1,000 square miles of the northeastern portion of this tract consists of a series of short irregular mountain chains, breaking away from the main Cumberland Mountain ridge, and casting heavenward numerous peaks of great height. The remainder of the coal tract, except certain portions in the southern part, is the true Cumberland Table-land or plateau. The upper coal measures embrace one or two principal sandstones (one of which may be a conglomerate) and an equal number of coal horizons in which one or more beds of coal may be expected. These and their accompanying strata compose the upper plateau, and have a thickness of from 200 to 300 feet, but are not typical of the tract of 1,000 square miles, to which reference was made above. The conglomerate sandstone, upon which the upper coal measures rest, usually contains numerous small white quartz pebbles, and is sometimes a double seam, embracing

an important coal horizon. The lower coal measures consist of a series of sandstones and shales with from one to three or four coal veins, and constitute the most important division of the carboniferous period in the State and over a considerable area the only one available as a source of coal. Excluding the Cliff rock the thickness of this division ranges from a few feet to 300. These characteristics are, in general, typical only of the southern, western and northwestern portions of the table-land, as the northeastern portion and a strip along the eastern side, in the counties of Claiborne, Scott, Campbell, Anderson and Morgan, have a thickness of the upper coal measures, in some places of over 2,000 feet. The coal measures above the conglomerate have been much denuded, particularly on the western side of the table-land, and at points where the formations are much elevated, the reverse being true where the elevations are low. Where the coal measures are thickest the conglomerate is depressed and the waste by denudation is measurably compensated by the superior development, at many points, of the lower coal measures.

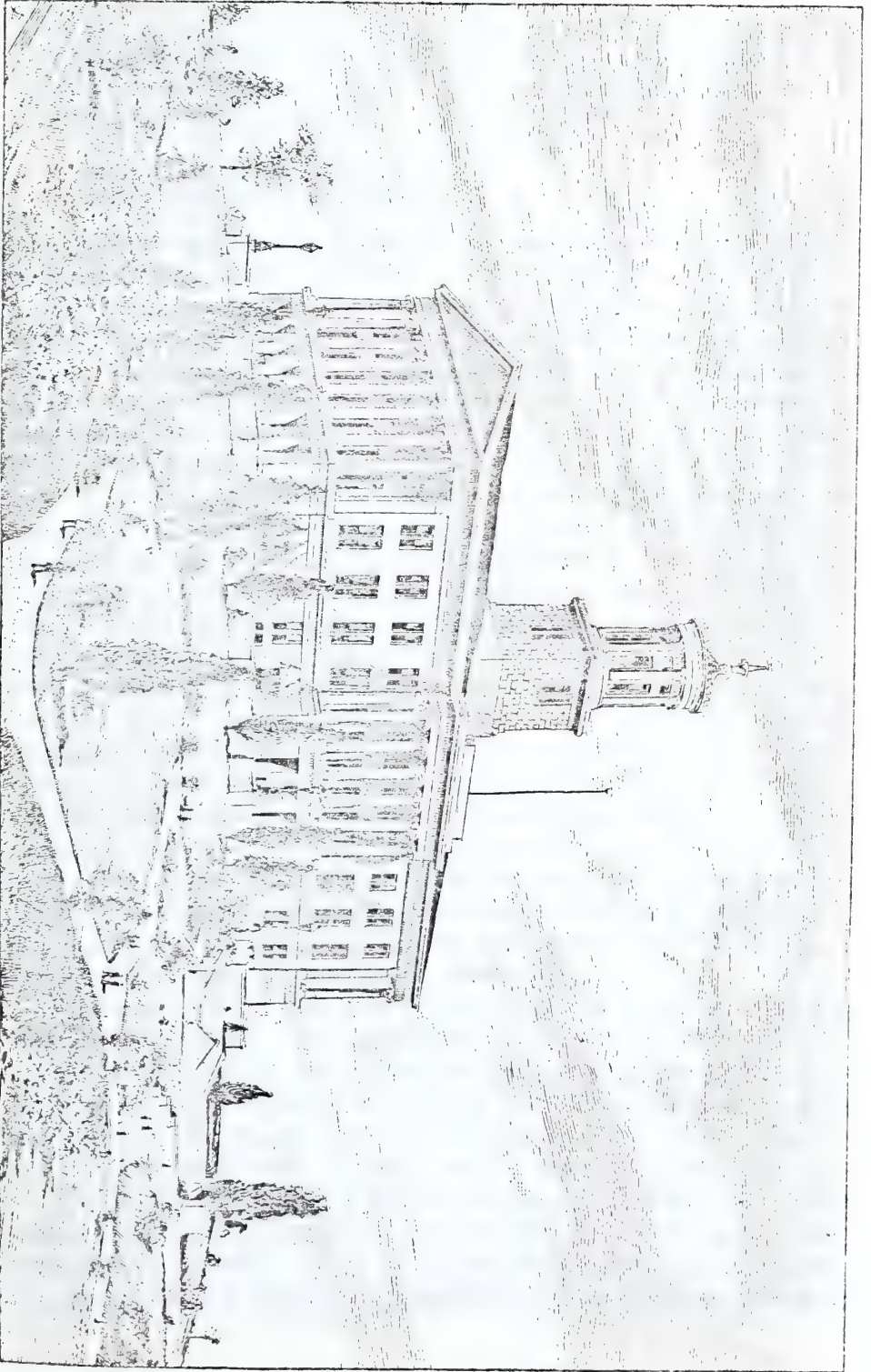
In the Sewanee District, embracing parts of the counties of Franklin, Marion, Sequatchie, Grundy, Warren, Bledsoe and Van Buren, the coal measures are approximately horizontal. The following section, the lowest strata of which are taken from the gulf of Little Gizzard Creek, about two miles south of Tracy City, and the higher in succession in ascending the stream to the plateau or top of the conglomerate, exhibits well the general character of the formations of the coal measures in the Sewanee District:

UPPER COAL MEASURES.

	Feet.
Sandstone, the conglomerate or cap rock of the upper plateau and the uppermost stratum in this region.....	50
Coal.....(a few inches)	
Shale	23
Coal, outcrop.....	$\frac{1}{2}$
Shale, dark and clayey.....	1
Shale, sandy	25
Sandstone	86
Shale, more or less sandy.....	45
Coal, main Sewanee seam.....	3 to 7
Shale, some of it sandy.....	33
Coal, outcrop.....	1
Shale	3
Sandstone.....	17
Conglomerate.....	70

LOWER COAL MEASURES.

	Feet.
Coal, outcrop.....	$\frac{1}{2}$ to 1
Shale, overlaid with clay.....	10
Sandstone, cliff rock.....	65



STATE CAPITOL, NASHVILLE

	Feet.
Coal, outcrop.....	$\frac{1}{2}$ to $1\frac{1}{2}$
Shale, with clay at top.....	8
Sandy shale.....	22
Sandstone, hard.....	78
Coal, with occasional shale.....	1 to 3
Sandstone, hard, local.....	20
Shale, including a thin sandstone.....	20
Mountain limestone with <i>archimedes</i>	20

Below the conglomerate, in the eastern and southeastern part of the Sewanee District, there are usually four seams of coal. In Franklin County and in the southern part of Grundy one seam disappears. In the northern part of Grundy and in Warren another seam is missing, and the thickness of the lower coal measure is reduced from 360 to fifty feet, exclusive of the conglomerate. The coal beds are very irregular in thickness, being often too thin to work profitably and in some places from three to nine feet thick. The aggregate amount of coal is very great and the quality good, and the extent coincides with the Sewanee District. The conglomerate is the cover and protector of the lower coal measures, having saved them from denudation in past ages. The Tracy City coals belong to the upper coal measures; those of Little Fiery Gizzard to the lower measures. On Crow, Battle and Little Sequatchie Creeks are important outcrops of the lower coals. On Cave Creek in Marion County, under the Cliff rock, a coal seam nine feet thick outcrops and near in the "pocket" is five feet thick. At the old Parmelee Bank it is from seven to nine feet thick. North of Tracy City only two coal seams of the lower measures are usually found; those near McMinnville are thin. In Bledsoe, Van Buren, Warren and Grundy they are thin with occasional thicker spots. The conglomerate is mainly the surface rock from Tracy City to Alabama, and over this expanse only occasional knolls of the upper coal measures occur: one two miles west of Tracy City, another about half way between Tracy City and the Nashville & Chattanooga tunnel, and another just south of the lower mines.

Southeast, east and northeast of Tracy City the ridges of the upper measures often appear. The main Sewanee coal in the vicinity of Tracy City is of good quality, semi-bituminous, and contains little pyrites. It is fragile and is usually a four or five foot bed, and is the most reliable one west of the Sequatchie Valley. Other seams of the upper measures are found in the Sewanee District, but are not so valuable.

The Raccoon and Walden's Ridge District embraces the portion of the table-land east of Sequatchie Valley and the Crab Orchard Mountains, and extends from Alabama to the Emery River in Morgan County, comprising parts of Marion, Sequatchie, Hamilton, Bledsoe, Rhea, Cumberland,

Roane and Morgan. At the Etna Mines and vicinity the Cliff rock becomes a conglomerate, and the conglomerate (the cap of the lower measures) becomes a sandstone. The following is the section at Etna Mines :

UPPER COAL MEASURES.

	Feet.
Sandstone, cap rock at Etna.....	75
Shale	48
Coal, good block and uniform.....	4
Shale with occasional thin coal	30 to 40
Coal with slate or shale.....	5 to 6
Shale.....	44
Coal, good block.....	2 to 3
Fire clay.....	1 to 2
Sandstone (Conglomerate of last table).....	75
Coal.....	(few inches)
Shale.....	30 to 40
Coal.....	(10 inches)
Sandy shale.....	100 to 130
Conglomerate (the cliff rock of the former table where it is classed with the lower coal measures).....	70 to 100

LOWER COAL MEASURES.

	Feet.
Shale.....	0 to 12
Coal (main Etna or Cliff vein, most important bed in the Raccoon Mountains) average.....	3
Fire clay with <i>Stigmaria</i>	1 to 3
Shale	5 to 20
Coal, thin.....	$\frac{1}{4}$ to 1
Sandstone and sandy shale.....	80 to 120
Shale (?).....	0 to 5
Coal.....	$\frac{1}{4}$ to 3
Fire clay.....	0 to 2
Sandy shale and sandstone.....	20 to 25
Shale.....	15 to 20
Coal.....	1 $\frac{1}{2}$ to 3
Fire clay.....	0 to 3
Shales and shaly sandstones.....	80 to 150
Mountain limestone.....	not ascertained

The above section is a typical exhibit of the measures of the Raccoon Mountain District. The upper measures are rich in coal, and it will be observed by comparison that there is one more coal seam in the lower measures than on the west slope of Sequatchie Valley, and the volume is much greater. The lower measures are well exhibited where the Tennessee River cuts through the Walden Range and are similar to the Etna measures. The four coals below the cliff rock outcrop on the slopes. Northward to the Emery River the sections above of the Sewanee and Raccoon Districts may be taken as types of both the upper and lower measures. The main Sewanee is the principal coal, and numerous outcrops of the upper and lower measures occur on the eastern slope of the

table-land. The strata are often much disturbed, doubtless by volcanic forces. The following is the section where the Crossville & Kingston Road crosses Crab Orchard Range in Cumberland County:

UPPER COAL MEASURES.

	Feet.
Sandstone, probably.....	100
Shale, doubtless with coal.....	25 to 50
Sandstone.....	100 to 150
Shale, probably with coal.....	60
Sandstone.....	60
Shale.....	50
Coal, main Sewanee.....	4
Fire clay.....	1
Shale.....	30 to 40
Conglomerate, caps the mountains.....	100 to 150

LOWER COAL MEASURES.

	Feet.
Shale, possibly with coal.....	15
Sandstone.....	33
Shale with light coal seams.....	110
Sandstone.....	50
Shale, with impure coal.....	20
Mountain limestone.....	not ascertained

In this table the thicknesses are only approximately correct. Here the strata of the coal measures are folded in a great arch, and are missing at the summit, having been denuded by natural agencies.

The northern coal district is made to embrace that part of the table-land lying north of Van Buren and Bledsoe Counties and west of the Crab Orchard range, and a line running through Montgomery and Huntsville, and within its limits are parts of White, Cumberland, Morgan, Putnam, Overton, Fentress, Pickett and Scott Counties. Here the top of the table-land is usually a flat surface, and back from the slopes appears an upper plateau. In the eastern portion of this area the Crab Orchard section above may be considered the type. On Clifty Creek in White County the following is the section:

UPPER COAL MEASURES.

	Feet.
Sandstone and conglomerate.....	65
Shale.....	0 to 12
Coal, irregular.....	$\frac{1}{2}$ to 2
Fire clay.....	0 to 2
Shale with sandy strata.....	60
Fire clay with coal traces.....	(11 inches)
Sandstone.....	40
Shale.....	20
Fire clay with coal traces.....	(11 inches)
Sandy shale or sandstone.....	25

	Feet.
Shale.....	52
Coal.....	3
Shale.....	25
Conglomerate.....	60

LOWER COAL MEASURES.

	Feet.
Shale with one or two seams of coal 0 to 18 inches, in all.....	15
Mountain limestone.....	40
Calcareous shale.....	not ascertained

At other points in White County the lower measures are of greater importance. Generally the lower measures on the western slope of the table-land from Alabama to Kentucky present the same features, comprising usually two, sometimes three to seven seams, often too thin for mining, but locally available and valuable. The measures under the conglomerate in this portion of the table-land are similar to those on the western slope of the Sewanee District. In fact the measures are similar throughout the extent of the western slope and consist of shales and sandstones and two, sometimes three, rarely more, seams of coal. Though often too thin for mining, they become thicker and valuable locally. In the valley of the Calfkiller, in Putnam County, the coals below the conglomerate are often valuable and the general features in the counties of Putnam, Overton, Pickett, Fentress, Morgan and Scott are the same as above. Little extensive mining has been done in this part of the district, owing mainly to the lack of transportation. The following section from the mouth of Big Hurricane Creek, in Fentress County, is typical of the coal measures of the northern counties.

UPPER COAL MEASURES.

	Feet.
Conglomerate (overhanging cliffs).....	40
Shale, doubtless with coal.....	51
Sandstone.....	6
Shale, doubtless with coal.....	21
Sandstone.....	46
Shale, doubtless with coal.....	50
Conglomerate (lower cliffs, main).....	90

LOWER COAL MEASURES.

	Feet.
Coal, good block.....	0 to 3
Fire clay, shale and sandstone.....	4
Shale with layers of clay ironstones.....	25 to 30
Mountain limestone.....	15
Shales, marly and variegated.....	100

The main conglomerate has always a coal horizon below, consisting of shales and sandstones, and, when the cap rock of the upper plateaus is present, has one above. Outcrops of the lower measures at Buffalo Cave,

Fentress County and near Jamestown show the coal below the conglomerate to be three to five feet thick, black, lustrous and excellent. Outcrops of the upper coals are not as numerous as of those below the main conglomerate. Numerous banks of these coals have been opened, one at Little Laurel, Overton County, being four and a half feet thick and excellent.

The northeastern district, embracing parts of the counties of Morgan, Anderson, Scott, Campbell and Claiborne, is traversed by numerous high ridges or mountains, in which are heavy developments of the coal deposits, particularly the upper; and shales, coals and sandstones are piled up high above the conglomerate, which, elsewhere, is the surface rock. The carboniferous formation here is not far from 2,500 feet, and nowhere else in the State are there so many coal beds or such an aggregate mass of coal. The following is an estimated section at Cross Mountain, four miles northwest of Jacksborough.

UPPER COAL MEASURES.

	Feet.
Sandstone, cap of the mountains.....	100
Shales and sandstones.....	249
Coal, pure block, except a six-inch seam of black shale.....	6
Shales and sandstones.....	357
Coal, excellent, possibly 6 feet.....	4
Shale and sandstones.....	150 to 190
Coal, outcrop.....	1
Fire clay, shale and sandstones.....	262 to 323
Coal, outcrop.....	1
Shale.....	6
Coal, outcrop, may be 6 feet.....	3
Shales and sandstones.....	323 to 393
Coal outcrop with shale three inches.....	3
Shales and sandstones.....	260 to 290
Coal.....	3
Shales, slate and sandstones.....	170
Coal, outcrop.....	1
Fire clay and shale.....	9
Coal with three-inch parting.....	5
Fire clay, shale, black slate with <i>Stigmaria</i> , to foot of mountain.....	30

The entire thickness of this section is about 2,100 feet, and an aggregate thickness of twenty-seven feet of coal is found. A section at Tellico Mountain shows about the same aggregate quantity of coal, several seams of which, with the conglomerate, appear in the upper part of Pine Mountain, caused by a fault in the strata. The Cross Mountain section above is typical of the measures of this district. Numerous banks have been opened, all presenting, in general, similar characteristics. Scores of banks could be profitably opened on Emery River. The coal of this division is usually very good block and is practicably inexhaust-

ible. When railroads reach these valuable fields, future generations will receive the benefit. The coal of the Etna Mines contains 74.2 per cent of fixed carbon and 21.1 of volatile matter.* The Sewanee coal gives 62 per cent of fixed carbon and 25.41 of volatile matter. The present production of coke is very great.

Iron Ore.—The deposits of iron ore are of the greatest value. The outcrops where such deposits occur appear in three belts which have been named and described as follows: The eastern iron region which extends through the State with and in front of the Unaka Range; the Dye-stone region, which skirts the eastern base of Cumberland Table-land or Walden's Ridge from Virginia to Georgia, and extends laterally into the valley of East Tennessee from ten to twenty miles, and includes the Sequatchie and Elk Valleys; the western iron region, which occupies a belt of high lands contiguous to the western valley and a part of the valley itself, and extends from Kentucky to Alabama.

The eastern region includes the counties of Johnson, Carter, Sullivan, Washington, Greene, Cocke, Sevier, Blount, Monroe, Polk and the entire eastern part of McMinn. In the valleys and coves of this vast region occur most of the iron ore deposits. The bottoms of the valleys are usually occupied by shales and slates and magnesian limestone of the Knox group, which have been so leached and weathered that ridges and knolls of clay, sand, chert and shaly *debris* or clay have been formed, and in these masses the iron ore has accumulated. Limonite, by far the most abundant ore of this region, contains, when pure, 59.92 per cent of metallic iron; 25.68 per cent of oxygen and 14.4 per cent of water. The source of limonite is the ferruginous chert of the lithostrotion bed. Practically the percentage of iron is less than 59.92 per cent owing to impurity. This ore occurs both as honey-comb and solid ore and sometimes in ochreous and earthy combinations. It occurs in all sizes less than beds ten or fifteen feet in diameter. Generally the most important banks are on knolls, hills or ridges fifty to 200 feet high and often several miles long, and the deposits occur at intervals. The ores in Johnson, Carter and Washington Counties contain lead and zinc. These ores, including the iron, originated doubtless from the decomposed limestones which contain these elements. The iron ore is of excellent quality and the beds are so numerous that it is estimated that there is sufficient ore to supply an average of three or four extensive works to each of the counties named for a long period of years. Hematite contains 70 per cent of iron and 30 per cent of oxygen. Impurities reduce the amount of iron. The hard, solid ore of this division occurs only in a few places

*Analysis by Prof. Pohle, of New York City.

and in a regular, solid bed. The ore in more or less magnetic and excellent. The Dyestone ore is a stratified fossiliferous iron rock and is composed of flattened oölitic or rounded grains and frequently contains crinoidal buttons. Magnetite, when pure, contains 72.4 per cent of iron and 27.6 of oxygen. It is a very rare ore, one bed being in Cocke and another in Carter County. It is associated with *Sahlite* and decomposing gneissoid rocks and occurs in irregular layers, patches and wedge-shaped masses in the metamorphic group.

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On the west side of the valley of East Tennessee is the Dyestone iron region, which includes a portion or all of the following counties: Hancock, Claiborne, Grainger, Campbell, Anderson, Roane, Rhea, Meigs, Hamilton, Marion, Sequatchie and Bledsoe. The ore is a distinctly stratified red iron stone, a variety of hematite, generally soils the fingers, but is sometimes quarried in blocks. It is highly fossiliferous and upon exposure becomes brownish red, though almost scarlet when first mined. This is the main ore of this region and its impurities are sandy and argillaceous matters and carbonate of lime. Numerous banks have been opened. Limonite to a limited extent is found in this region. The mountain ridge containing the Dyestone ore is 150 miles long and its average thickness is over 20 inches. Upon the Cumberlând Table-land occur a few beds of clay ironstones. This ore is an impure carbonate of iron and contains 41.25 percent of metallic iron, 11.78 of oxygen, 35.17 carbonic acid and 11.8 of water, etc. Practically 30 to 33 per cent of iron is obtained. It occurs in nodules and balls and is limited in quantity. Black band ironstone and limonite are also found scattered over the table-land.

The western iron region includes part or all of the following counties: Lawrence, Wayne, Hardin, Lewis, Perry, Decatur, Hickman, Humphreys, Benton, Dickson, Montgomery and Stewart. The belt is about fifty miles wide and over the entire extent more or less ore occurs. There appear centers where heavy deposits of great value and extent are found. These banks have a high position on the tops or edges of plateau ridges, and owe their origin very probably to the remains of decomposed sandstones before the Central Basin or the valley of West Tennessee was excavated. The banks are from a few feet to 100 feet. Limonite is almost the only ore, though hematite occurs near Clifton, in Wayne County. Limonite occurs in irregular lumps or hollow concretions called "pots" scattered through the matrix of the *debris* of the strata of the siliceous group, consisting of angular fragments of half decomposed and often bleached chert and soft sandstones imbedded in clay. This is the bed of the ore. The varieties of this ore are called compact, honey-comb, pot

and pipe ores and ocher, the first three being common. The pots vary in size from an orange to two feet in diameter. Pipe ore is worked in Stewart County. It is estimated that the best banks furnish one-fourth to one-third of the mass removed in iron ore. Its occurrence in banks is irregular—sometimes in pockets, beds, veins, strata, columns, or isolated masses often ten to twenty feet through. Some masses furnish scores of tons of ore. The beds of Hickman are most extensive and valuable and more than twenty banks have been opened. Those of Dickson and Stewart are next valuable. On the eastern rim of the basin in the counties of White, Warren, Putnam and Overton, corresponding with the deposits of the western belt, limonite of good quality is found. The percentage of pure iron varies from 44 to about 60.

Fossils.—The paleontological features are characteristic and important. Every formation considered in this chapter, except the Unaka, contains fossils, often large, finely preserved and beautiful. As every formation contains, in the main, its own fossils, they become an important factor in identifying the strata. The most fruitful source of fossils in this State are the Trenton and Nashville groups. The following is a list of the genera: *Buthotrephis*, *Stromatopora*, *Stenopora*, *Constellaria*, *Tetradium*, *Columnaria*, *Petraia*, *Cleioocrinus*, *Dendocrinus*, *Glyptocrinus*, *Palæocrinus*, *Petraster*, *Ptilodictia*, *Retepora*, *Graptolithus*, *Leptæna*, *Strophomena*, *Orthis*, *Skenidium*, *Rhynchonella*, *Triplesia*, *Avicula*, *Ambonychia*, *Cryptodonta*, *Ctenodonta*, *Modiololopsis*, *Holopea*, *Cyclonema*, *Subulites*, *Eunema*, *Helicotoma*, *Maclurea*, *Trochonema*, *Pleurotomaria*, *Murchisonia*, *Cryptolites*, *Bellerophon*, *Carinaropsis*, *Clioderma*, *Conularia*, *Salterella*, *Orthoceras*, *Cyrtoceras*, *Lituites*, *Trocholites*, *Asaphus*, *Calymene*, *Cheirurus*, *Encrinurus*, *Illaenus*, *Lichas*, *Phacops*, *Dalmanites* and *Leperditia*. Many of these are represented by a half dozen or more species. In the Niagara group occur the following genera: *Astylospongia*, *Palæomanon*, *Artræospongia*, *Stenopora*, *Thecostegites*, *Thecia*, *Heliolites*, *Plasmopora*, *Halysites*, *Favosites*, *Cyathophyllum*, *Petraia*, *Aulopora*, *Alveolites*, *Cladopora*, *Fenestella*, *Caryocrinus*, *Apiocystites*, *Pentatrematites*, *Saccocrinus*, *Platycrinus*, *Lampterocrinus*, *Cytoocrinus*, *Eucatyptocrinus*, *Coccocrinus*, *Synbathocrinus*, *Posterioocrinus*, *Gystocrinus*, *Haploocrinus*, *Calceola*, *Strophomena*, *Streptorhynchus*, *Orthis*, *Spirifer*, *Atrypa*, *Pentamerus*, *Athyris*, *Rhynchonella*, *Platystoma*, *Platyceras*, *Cyclonema*, *Orthoceras*, *Ceraurus*, *Sphærexochus*, *Dalmania*, *Calymene* and *Bumastus*. In the Lower Helderberg formation the following are found: *Anisophyllum*, *Favosites*, *Apiocystites*, *Leptæna*, *Strophomena*, *Strophodonta*, *Orthis*, *Spirifer*, *Trematospira*, *Nucleospira*, *Rhynchospira*, *Leptocœlia*, *Rhynchonella*, *Atrypa*, *Merista*, *Camarium*, *Eaton*

Pentamerus, Platystoma, Platyceras, Phacops, Dolmania and Dalmania. In the Lower Carboniferous formation are found the following genera: Spirifer, Orthis, Platyceras, Granatocrinus, Agaricocrinus, Actinocrinus, Cyathocrinus, Iethiocrinus, Lithostrotion, Zaphrentis, Pentremites, Dichorinus, Melonites, Hemipronites, Retzia, Rhynchonella, Productus, Conularia, Astræa, Archimedes, Athyris, Terebratula, Aspidodus, Claydodus and a few others. The Green Sand of West Tennessee, famous for its beds of fossil shells, contains the following genera so far noticed and named: Platytrochus, Corbula, Crassatella, Astarte, Venilia, Cardium, Trigonina, Arca, Nucula, Cuculæa, Ctenoides, Pecten, Neithea, Ostrea, Oxogyra, Graphæ, Anomia, Placunanomia, Scalaria, Natica, Volutilithes, Rapa, Auchura, Baculites, Euchodus, Sphyræna, Ischyrrhiza, Teredo, Serpula, Rostellaria, Fusus, Turritella and Delphinula. In the Ripley group are the following: Corbula, Venus, Crassatella, Cardita, Leda, Modiola, Ostrea, Gryphæa, Turritella, Natica, Fasciolaria, Neptunea, Callianassa, Lamna and crocodilus. In the Bluff loam of West Tennessee are Helix, Planorbis, Cyclas, Amnicola, Lymnea, Succinea. In the Knox group are Crepicephalus, Lonchocephalus, Agnostus, Lingula and Pleurotomaria.

The fossil fauna of Tennessee are distinct and characteristic of the strata containing them. In the main Sewanee and Jackson coal horizon occur the following: Neuropteris, Hymenophyllites, Alethopteris, Astero-phyllites, Calamities, Stigmæria, Sigillaria, Syrigodendron, Lepidodendron, Lepidostrobus, Trigonocarpum and Rhabdocarpus, and in the main Etna Sphenopteris, Hymenophyllites and Lepidodendron, and at the base of the coal measures on the Sewanee Railroad the fossil nut: Trigonocarpus. Wood and leaves are found in the Ripley group in West Tennessee. In the Orange sand appear the following genera: Quercus, Laurus, Prunus, Andromeda, Sapotacites, Elæagnus, Salix, Juglaus, Fagus and Ceanothus. On the west side have been found bones of the extinct Mastodon, Megalonyx, Castor and Castoroides.

Metals.—Copper ore is found at Ducktown. The surface of the country is rolling, and is about 2,000 feet above the sea. Ocoee River crosses this area. The rocks are talcose, chlorite and mica-slates, and dip at high angles to the southeast. The ore deposits are great lenticular masses of metal and gangue material, occurring in long ranges or belts, which have been improperly termed veins. These dip at high angles, and upon the surface is gossan, and below it about ten feet are the black copper ores, and further down are other zones containing more or less copper. Numerous mines have been opened since the discovery of copper in 1843. The ores and minerals found are as follows: Copper pyrites, iron pyrites,

magnetic pyrites, copper glauze, zinc blende, galena, orthoclase, albite, tremolite, actinolite, diallage, zoisite, calcite, quartz, rutile, garnet, allophane, alisonite, bornite, red copper, malachite, azurite, copperas, blue-stone, black oxide (very valuable), native copper, harrisite, rahtite, limonite (gossan). Millions of dollars worth of copper ore have been taken out and shipped away.

Nearly every county in East Tennessee contains galenite in small quantities. In Claiborne and Union Counties it occurs particularly abundant. In the latter county, on Powell's River, between Tazewell and Jacksborough, about sixteen miles from Tazewell, is one of the richest mines. The vein fills a nearly vertical fissure about twenty inches wide, in nearly horizontal rocks, and can be traced nearly a mile. The galenite is associated with zinc blende and pyrite, and occurs in sheets, two or more, having an aggregated thickness of five to ten inches. This mine is typical of the others. Near Charleston galenite was mined by the earlier races, probably Mound-Builders. Veins of galenite occur also in Middle Tennessee, but are of little importance. An important one occurs in Davidson County, near Haysborough, occurring in a gangue of barite. Galenite has also been found among the limestones of West Tennessee. Smithsonite and calamite, two zinc ores, occur in deposits and irregular veins in the dolomites of the Knox group, the most important being in Union, Claiborne and Jefferson Counties. The Steiner locality in Union County is important. The ore outcrops in a belt fifty or sixty feet wide, and runs across a low ridge. Through this ore small veins of Smithsonite and calamite ramify. Gold occurs in East Tennessee in the sands and gravels of creeks which flow over the metamorphic slates of the Ocoee group, and could doubtless be found in the quartz veins of the same group. It has been found in Blount, Monroe and Polk Counties. The most has been found on Coca Creek and vicinity, in Polk County, in a tract eight or ten miles long by two or three wide. Gold was first discovered in 1831. Soon afterward the field was thoroughly explored, and up to 1853 \$46,023 in gold of this locality was deposited in the United States Mint. This gold is derived from the decomposed quartz veins, and has been washed into creek valleys. A quartz bearing gold has lately been found in Whip-poor-will Creek, the metal appearing in grains or scales in the quartz.

Lignite is found in beds in the Mississippi bluffs, and is a mass of dark grayish, laminated, micaceous sand, with lignitic, woody fragments, sticks, leaves, etc. It is also found in Carter County and a few other places. Crude petroleum and allied substances have been worked with profit in various places in Tennessee. Maury, Jackson, Overton, Dickson, Wilson, Montgomery, Hickman and other counties furnish it.

The black shale is a great source of these oils, the richest producing from thirty to forty gallons of oil to the ton. The Spring Creek, Overton County, wells have yielded most. Thousands of barrels of crude petroleum have been pumped, salt mines have been worked on Calfkiller Creek, and in Anderson, Warren, Van Buren, Overton, Jackson and elsewhere. Sulphur springs occur in some localities. Nitre is found in the numerous caves of the limestones of the table-land. Alum is obtained from the black shale. Epsom salts is found in the caves. Gypsum appears in several caves. Barite is found. Copperas was formerly extensively made from the protoxide of iron (pyrites) thrown out at the Duckworth copper mines, also sulphate of copper. Iron pyrites is often found. Black manganese is often found associated with limonite.

Marble.—The marbles are very valuable, and are already a great source of wealth. They have been divided as follows: 1, reddish variegated fossiliferous marble; 2, whitish variegated fossiliferous marble; 3, dull, variegated magnesian marble; 4, black and dark-blue marbles; 5, breccia and conglomerate marbles. The first is the most important and occurs in East, Middle and West Tennessee. Beds have been opened in Henry County, also in Benton and Decatur. In Franklin County are extensive beds. In White County a clouded white marble is obtained. In the valley of East Tennessee the reddish marble occurs in Hawkins, Hancock, Grainger, Jefferson, Knox, Roane, Blount, Monroe, McMinn and Bradley, and to a more limited extent in Meigs, Anderson, Union and Campbell. It has been extensively quarried, and is a variegated crinoidal and coralline limestone colored grayish-white or brownish-red and sometimes pinkish or greenish-red. The most common color is brownish-red more or less mottled with white or gray clouds or spots, due to corals. Large quantities are mined and shipped. It possesses great properties of weather durability and resistance to pressure. The whitish marble is a coralline, sparry gray-whitish rock, much of the white ground being mottled with pink or reddish spots. There is no superior building stone in the State than this variety. The other varieties are rarer, but all are good. From the gneiss and white quartz stones of the metamorphic group excellent mill-stones are obtained. The chert of the Knox dolomite furnishes fine mill-stones. The Ocoee group produces the best roofing slates. Hydraulic limestone and fire-clay abound. Sulphur, chalybeate, Epsom and alum springs abound. Sulphur springs originate in the black shale.

Temperature.—It has been found, through many years' observation, that the mean annual temperature of the Valley of East Tennessee is about 57 degrees, of the Central Basin 58, and of West Tennessee 59½ to 60 de-

grees, through the central part of the State, east and west. The average annual minimum temperature of Middle Tennessee is 2 degrees, and the average maximum temperature about 94 degrees. The average length of the growing season, between the last killing frost of spring and the first of autumn, is about 194 days. In East Tennessee it is a few days less. Southerly winds are most prevalent, then northerly, and easterly and westerly about the same. The quantity of rain and melted snow varies annually from 43 to 55 inches. These estimates are the best that can be given from the limited observations made in the past.

Elevations.—The principal elevations above the sea are as follows, in feet: Stone Mountain range—Cat Face Mountain, 4,913; State Gap, 3,400; Taylorsville, 2,395; State line in Watauga Valley, 2,131; Yellow and Roane range—Yellow Mountain, 5,158; Little Yellow, 5,196; Roane—Cold Spring, 6,132; Grassy Ridge Bald, 6,230; High Knob, 6,306; High Bluff, 6,296; Bald Mountain range—Bald Mountain, 5,550; Jonesborough, 1,734; Big Butt range—highest points over 5,000 feet; Greenville depot, 1,581; Great Smoky range—Warm Springs, N. C., 1,335; piazza of hotel, Tennessee line on French Broad, 1,264; Indian Grove Gap, 4,258; Man Patch Gap, 4,392; Bear Wallow Mountain, 4,659; Luftee Knob, 6,238; Thermometer Knob, 6,157; Raven's Knob, 6,230; Tricorner Knob, 6,188; Mount Guyot, 6,636; Mount Henry, 6,373; Mount Alexander, 6,447; South Peak, 6,299; highest peak of Three Brothers, 5,907; Thunder Knob, 5,682; Laurel Peak, 5,922; Reinhardt Gap, 5,220; top of Richland Ridge, 5,492; Indian Gap, 5,317; Peck's Peak, 6,232; Mount Ocona, 6,135; New Gap, 5,096; Mount Mingus, 5,694; Bullhead group—Mount Le Conte (central peak), 6,612; Mount Curtis (west peak), 6,568; Mount Safford, 6,535; Cross Knob, 5,931; Neighbor, 5,771; Master Knob, 6,013; Tomahawk Gap, 5,450; Alum Cave, 4,971; Rood Gap, 5,271; Mount Collins, 6,188; Collins' Gap, 5,720; Mount Love, 6,443; Clingman's Dome, 6,660; Mount Buckley, 6,599; Chimzey Knob, 5,588; Big Stone Mountain, 5,614; Big Cherry Gap, 4,838; Corner Knob, 5,246; Forney Ridge Peak, 5,087; Snaky Mountain, 5,195; Thunderhead Mountain, 5,520; Eagletop, 5,433; Spence Cabin, 4,910; Turkey Knob, 4,740; Opossum Gap, 3,840; North Bald, 4,711; Central Peak of Great Bald, 4,922; South Peak, 4,708; Tennessee River at Hardin's, 899; Chilhowee Mountain, 2,452; Montvale Springs, 1,293; between Little Tennessee and Hiwassee—Hangover Knob, over 5,300; Haw Knob, over 5,300; Beaver Dam or Tellico Bald, 4,266; south of the Hiwassee the elevation of the chain is reduced to 3,000 to 3,400 feet; Frog Mountain is about 4,226 feet; the Ducktown copper region is about 2,000 feet high.

Along the East Tennessee, Virginia and Georgia Railway the elevations are as follows: Bristol, 1,678; Union, 1,457; Carter, 1,474; Johnson's, 1,643; summit between Chucky and Watauga, 1,841; Jonesborough, 1,736; Limestone, 1,419; Fullens, 1,489; Greeneville, 1,581; Bull's Gap, 1,214; Russellville, 1,260; Morristown, 1,233; Strawberry Plains, 906; Knoxville, 898; Loudon, 819; Athens, 993; Hiwassee River at low water, 684; Cleveland, 878; State line between Tennessee and Georgia, 837; also Clinton, 847; Chattanooga, railroad grade, 675; Tennessee River at Chattanooga, 642; Cumberland Gap, 1,636; Pinnacle (near gap), 2,680; Elk Gap (surface), 1,702; Cross Mountain Point, 3,370; Gap, 2,875; Cove Creek, 1,041; average bottom of Elk Fork Valley, 1,200; Pine Mountain, 2,200 to 2,400; Tellico Mountain, 2,000 to 2,700; Crab Orchard Mountain, about 3,000; flat summit of Lookout Mountain, 2,154; Raccoon Mountain, back of Whiteside depot, 1,900; Tracy City, 1,847; highest ridges near Tracy City, 2,161; summit of Ben Lomond, 1,910; Tullahoma (grade), 1,070; creek at Manchester, 996; McMinville (depot), 912; Sparta, station, 945; Livingston, station, 966; Hickory Nut Mountain, about 1,400; Murfreesboro depot, 583; Nashville depot grade, 435. Nashville, low water in Cumberland, 365; Springfield grade, 659; Gallatin surface, 528; Franklin depot, 642; Columbia depot, 657; Mount Pleasant (creek), 625; Palo Alto, 1,025; Pulaski, 648; Kingston Station, 506; highest point on the railroad west from Nashville to the Tennessee River, 915; lowest point on the grade at the Tennessee River, 368; Grand Junction on the west side, 575; Middleton, 407; Moscow, 351; Germantown, 378, Memphis, 245; low water of the Mississippi at Memphis, 170; Obion River on the Ohio & Mississippi Railroad (grade), 287; Bolivar, 430; Medon, 420; Jackson, 459.

CHAPTER II.

THE MOUND-BUILDERS—EVIDENCES OF PRE-HISTORIC OCCUPATION—ARGUMENTS OF BANCROFT AND HILDRETH—DEDUCTIONS OF JUDGE HAYWOOD—COMPARISON OF ANCIENT RACES AND CUSTOMS—THE SUN WORSHIPERS—THE NATCHEZ TRIBE—CLASSIFICATION OF EARTHWORKS—REPRESENTATIVE MOUNDS OF TENNESSEE—THE “STONE FORT”—CONTENTS OF THE WORKS—THEIR GREAT AGE.

AT the time of the discovery of the present State of Tennessee by white people, the larger part of it, as well as the larger part of the State of Kentucky, was unoccupied by any Indian tribe. The reason of this state of things will appear as the reader proceeds. But although then unoccupied there were found abundant evidences not only of the former presence of Indian tribes but of a still more dense and ancient population, possessing a higher degree of civilization, a more highly developed condition of art, agriculture, warfare and religion, than anything of the kind pertaining to any of the aboriginal or Indian tribes, as they are called. These evidences consist of mounds of various shapes and kinds, of fortifications and of burying-grounds, of their contents, relics and remains still to be found throughout the valley of the Mississippi, and of the valleys of its tributaries from the Alleghany to the Rocky Mountains, and from the Gulf of Mexico to the great lakes, all of which relics and remains will be appropriately noticed in the proper connection. But from the existence and frequency of the occurrence of these mounds, the origin and history of which were at least as inexplicable to the aboriginal Indian tribes, as to their more intelligent and inductive successors, their erectors and constructors for want of a better name, have been by American historians generally called the “Mound Builders.”

The most conspicuous exception to this rule is the venerable Bancroft, whose opinions, even if occasionally erroneous, are eminently worthy of profound respect. To the historian and especially to the antiquarian, even if in less degree to the general student and reader, is the inquiry pertinent as to the origin of the first inhabitants of America. Bancroft many years ago wrote: “To aid this inquiry the country east of the Mississippi has no monuments. The numerous mounds which have been discovered in the alluvial valleys of the West, have by some been regarded as the works of an earlier and more cultivated race of men, whose cities have been laid waste, whose language and institutions have been destroyed, or driven

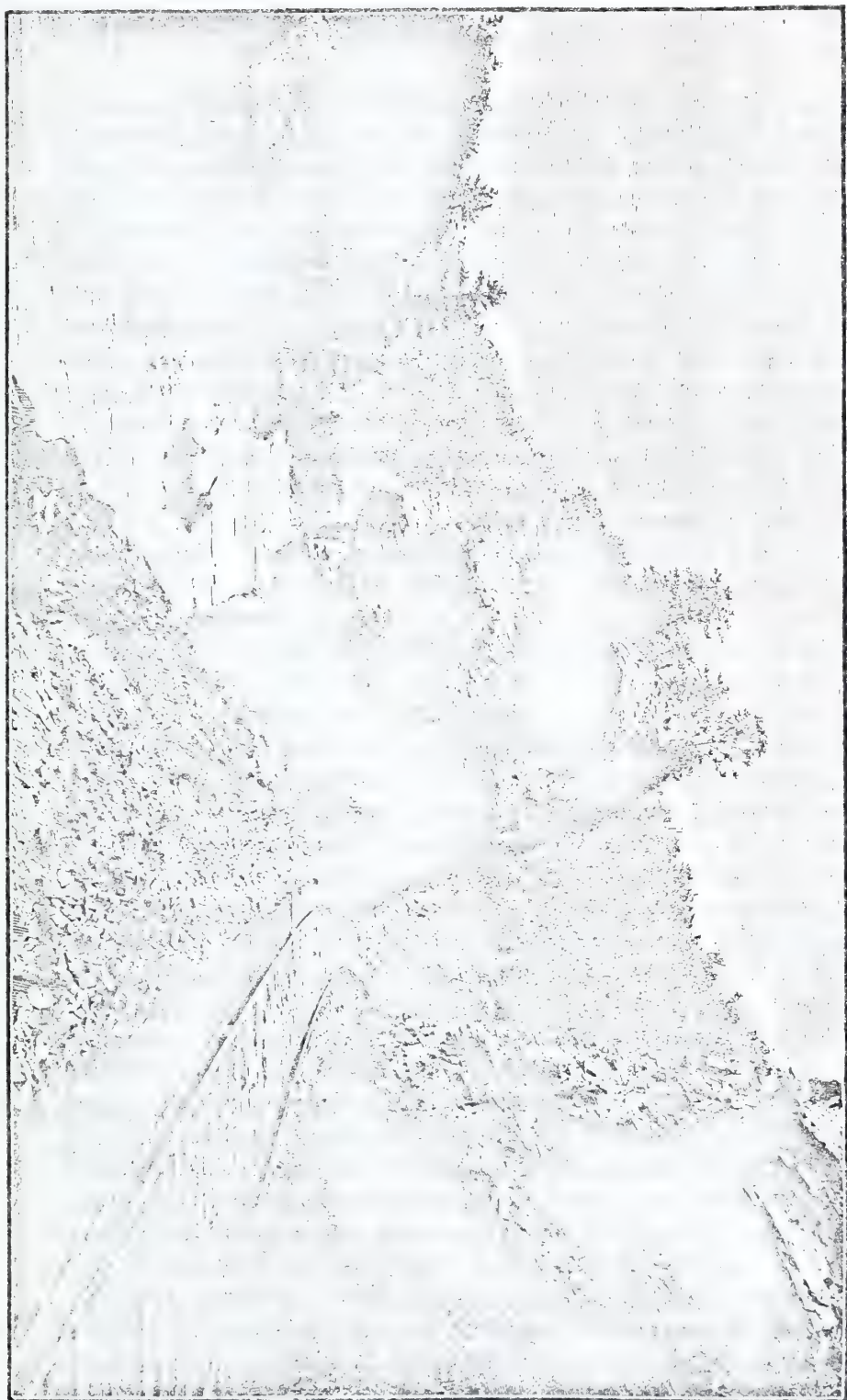
away; but the study of the structure of the earth strips this imposing theory of its marvels. Where imagination fashions relics of artificial walls, geology sees but crumbs of decaying sandstone, clinging like the remains of mortar to blocks of green stone that rested on it; it discovers in parallel intrenchments, a trough that subsiding waters have ploughed through the center of a ridge; it explains the tessellated pavement to be but a layer of pebbles aptly joined by water; and, on examining the mounds, and finding them composed of different strata of earth, arranged horizontally to the very edge, it ascribes their creation to the Power that shaped the globe into vales and hillocks. When the waters had gently deposited their alluvial burden on the bosom of the earth it is not strange that of the fantastic forms shaped by the eddies, some should resemble the ruins of a fortress; that the channel of a torrent should seem even like walls that connected a town with its harbor; that natural cones should be esteemed monuments of inexplicable toil. But the elements as they crumble the mountain, and scatter the decomposed rocks, do not measure their action as men measure the labor of their hands. The hunters of old, as more recently the monks of La Trappe, may have selected a mound as the site of their dwellings, the aid to their rude fortifications, their watch-towers for gaining a vision of God, or more frequently than all as their burying places. Most of the northern tribes, perhaps all, preserved the bones of their fathers; and the festival of the dead was the greatest ceremony of Western faith. When Nature has taken to herself her share in the construction of the symmetrical hillocks, nothing will remain to warrant the inference of a high civilization that has left its abodes or died away—of an earlier acquaintance with the arts of the Old World. That there have been successive irruptions of rude tribes may be inferred from the insulated fragments of nations which are clearly distinguished by their language. The mounds in the valley of the Mississippi have also been used; the smaller ones perhaps, have been constructed as burial places of a race, of which the peculiar organization, as seen in the broader forehead, the larger facial angle, the less angular figure of the orbits of the eye, the more narrow nose, the less evident projection of the jaws, the smaller dimensions of the palatine fossa, the flattened occiput, bears a surprisingly exact resemblance to that of the race of nobles who sleep in the ancient tombs of Peru. Retaining the general characteristics of the red race, they differ obviously from the present tribes of Miamis and Wyandots. These moldering bones from hillocks which are crowned by trees that have defied the storms of many centuries, raise bewildering visions of migrations of which no tangible traditions exist; but the graves of earth from which they are dug, and the feeble fortifications that are sometimes found in

the vicinity, afford no special evidence of early connection with other continents. 'Among the more ancient works,' says a careful observer, who is not disposed to undervalue the significance of these silent monuments, near which he dwells, and which he has carefully explored, 'there is not a single edifice nor any ruins which prove the existence in former ages of a building composed of imperishable materials. No fragment of a column, nor a brick, nor a single hewn stone large enough to have been incorporated into a wall, has been discovered. The only relics which remain to inflame curiosity are composed of earth.' Some of the tribes had vessels made of clay; near Natchez an image was found of a substance not harder than clay dried in the sun. These few memorials of other days may indicate revolutions among the barbarous hordes of the Americans themselves; they cannot solve for the inquirer the problem of their origin."

Thus Bancroft while denying the general proposition that there was in the Mississippi Valley anteriorly to its occupation by Indians, a race of Mound Builders, as that term is generally understood, yet admits that there may have been a race who may have constructed the smaller mounds, as burial places, and whose general physical characteristics bore a strikingly exact resemblance to that of the race of nobles who sleep in the ancient tombs of Peru. But other authorities, notably Winchell, the author of "Preadamites," hold, from the evidences which they have accumulated, that not only was the entire Mississippi Valley inhabited by an agricultural population of greater or less density, but such population possessed an entirely different physical structure and entirely different habits and civilization than these possessed by the Indian tribes. If the latter were the descendants of the earlier race of Mound Builders sufficient time elapsed between them to change the stature, cranial development and pursuits. It is well established that, while the Indians professed no knowledge of the construction of the greater number of the mounds, they themselves built them for probably the same purpose as the Mound Builders.

Another celebrated American historian, Hildreth, expresses himself with reference to the inferences to be drawn from the existence of the mounds in the following language: "These memorials consist of embankments of earth and stone exhibiting indisputable evidence of design and were sometimes of very great extent. Some of them were located along the brows of hills or upon the precipitous edges of ravines enclosing considerable table-land, and were evidently designed as works of defense. Others still more numerous, extensive and elaborate were most probably connected with religious ideas. In various places they present curious *basso-*

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relievos, birds, beasts, reptiles and even men; more generally enclosures of various sorts, perfect circles or squares and parallel lines of great extent, the embankments being from five to thirty feet in height, and the enclosures from one to fifty or even to four hundred acres; other classes of structures connected with or separate from those just mentioned, increasing in number toward the south, conical and pyramidal structures, from a few yards to hundreds in diameter and from ten to ninety feet in height occasionally terraced like the Mexican *teocallis*. Some of these were for sepulchral purposes, others were doubtless mounds of sacrifice. Connected with these ancient monuments are found remnants of pottery, and weapons and utensils of stone, axes and ornaments of copper; but nothing which indicates a higher civilization than that possessed by the Indians. Yet the extent and number of these earth erections, of which there are but few traces east of the Alleghanies, which region was the most populous when discovered by Europeans, evinces the combined labor of many hands, of a kind of which no trace has ever been found among the aboriginal tribes."

All writers on American antiquities infer from the existence of these antiquities the existence of a race of Mound Builders. Accepting this conclusion as settled there still remain the puzzling problems as to whence they came, how long they remained and when and whither they went. Other authors, besides Judge Haywood, have made strong attempts at a solution from the scanty evidence at hand. His attempt, though exceedingly interesting and ingenious, has not been generally recognized as final. He labors assiduously to show various similarities between the Hindoos and Egyptians, and then to show the similarities between Mexicans and Peruvians and the Hindoos and Persians. All of these nations called their rulers the children of the sun. The Mexicans and Hindoos both divided the people into four castes. The state of property was also the same in Persia, Egypt and Peru, one-third set apart as sacred to the God they worshiped, one-third to the sovereign and one-third to the people. The religion of the Mexicans and of the Hindoos was also similar. The Hindoos have a *trimurti* consisting of Brahma, Vishnu and Siva. From Hindostan this idea or conception of a triune God traveled into Egypt, and thence to the Hebrew nation, Greece and Rome, and if the same deified trinity be found in America it is legitimate to refer it to the same Hindoo origin, at least until a better be assigned.

The representations of the Mexican god Hialzettipocli very strikingly resemble that of the Hindoo god Krishna. The masque of the Mexican priest is represented in Mexico. He is drawn as sacrificing a human victim, a sacrifice which all worshipers of the sun everywhere make.

The masque represents an elephant's trunk, similar to the head so often seen portrayed in Hindostan. As no elephants exist in America it is reasonable to conclude that the design was brought from Asia. Various coincidences are seized upon to show the possible derivation of the religion of the Mexicans from that of the Hindoos. Among the latter the conch shell is used as a symbolical representation of Vishnu, and also in the worship of that deity. The conch shell is similarly used by the Mexicans in their worship of the god of the ocean, which they adore equally with the sun. And the little conch shells found in the graves of the ancient inhabitants of the Mississippi Valley indicate similar religious belief and ceremonies. Multitudinous ablutions are alike used by both. The sacred buildings of the Mexicans are similar to the same buildings, and the pyramids of Egypt and India and the temple of Belus. The tower of Babel and the great temple of Mexico were each dedicated to two divinities. The similarity of the construction of the pyramids of Mexico is worthy of notice, those in both countries being square and so built as to almost exactly face the four cardinal points of the compass: those in Egypt being precisely coincident with the true meridian, and those in Mexico varying only by fifty-two seconds of arc. The cosmical history of the Mexicans is the same as that of the Hindoos, both believing, to illustrate, that the world would be destroyed by a general conflagration, and mankind having all derived it from the prophecy of Noah.* The vernacular customs of both Hindoos and Mexicans were the same both as to those relative to religion and as to those relating to the common concerns of life. The titles the sun, the brother of the sun, the children of the sun, were given to the princes of Peru and of Mexico and of the Natchez, and are the same as those anciently given to the princes of Persia, India, Ceylon and China. The Mexican year consisted of 365 days, six hours, and the day began with the rising of the sun, as was likewise the case with the Persians and Egyptians, as well as the greater part of the nations of Asia. The Egyptians did not know of the year consisting of 365 days in the time of Moses nor until 1322 B. C. In the time of Plato, 384 B. C., they discovered that a year consists of 365 days, six hours. The people of America called the constellation now universally known as the Great Bear by a name which signifies the bear, a name first given to this constellation by the Egyptians and some Asiatic people. Such facts as these afford indubitable proof that the astronomy of the Mexicans was not of their own invention, but was learned by them from the countries whence they immigrated. They also were familiar with certain Scriptural traditions; as the fall of man, and the connection of the

*Genesis ix: 11 to 15.

serpent with that fall; of a great flood overwhelming the earth from which only a single family escaped, and also of a great pyramid erected by the pride of man, and destroyed by the anger of the gods. But they have no tradition of any thing that occurred on the eastern side of the Atlantic Ocean later than the building of the tower of Babel. The Mexicans therefore could not have learned them from the writings of Moses or they would also have known of the history of Abraham and of the Israelites as well as of the facts to which such traditions relate. Hence they must have left the Old World before the writings of Moses came into existence, or they must have lived for a time in some part of Asia, where, on account of the prevailing idolatry, the writings of Moses could not penetrate, but yet where they had access to the astronomical learning of the Chaldeans after 384 B. C.

At the time of Moses all the civilized nations of Asia worshiped the sun, as the numerous places named Baal with an affix abundantly testify, as Baalath, Baalpeor, etc., and so far were his many and earnest injunctions from subduing their disposition to this worship, that even Solomon, who lived 500 years after Moses' time, and who was the wisest of princes, embraced the idolatrous worship of the sun. It is fair to presume that sun-worshippers follow the same customs all over the world. Sun-worshippers, wherever they are known to practice this form of idolatry, build high places, enclosing them in open courts, and upon these high places erect houses for their idols, placing the idols within the houses. Upon these high places they burnt incense to Baal, to the sun, to the moon, to the planets and to the hosts of heaven. Upon these high places they made sacrifices of human beings, even of their sons and daughters, to the sun, and made their children pass through the fire to their idols. In Scotland a ceremony used to be celebrated on the 1st of May (O. S.), the inhabitants of a district assembling in the field, digging out a square trench, in which they built a fire and baked a cake, and then cutting the cake into as many pieces as there were persons, and blacking one with charcoal, all were thrown into a bag, out of which each person, blind-folded, drew a piece, the one drawing the black piece was sacrificed to Baal (some say made to leap through the fire three times) to propitiate him for the coming year. This is the same ceremony as was practiced by Manasseh, the sixteenth King of Judah, who made his sons pass through the fire to Moloch. Certain worshippers of the sun kept the festival of Tammuz, at the time of the summer solstice, the same time at which the southern Indians celebrated the green corn dance.

The Mexicans had pikes pointed with copper which appeared to have been hardened with an amalgam of tin, and they had among them ear-

penters, masons, weavers and founders. The Peruvians used mattocks of hardened wood and bricks dried in the sun. They had the art of smelting ore, and of refining silver, of which they made domestic utensils. They had also hatchets of copper made as hard as iron, but they did not worship idols. They carried the idols of the people they conquered to their temple of the sun at Cusco. Hence the mounds upon which images have been found in the Mississippi Valley can not be ascribed to the Peruvians. The question remains, can they be ascribed to the Mexicans or to a similar race?

All the nations west of the Mississippi when they first became known to Europeans were worshipers of the sun, and were governed by despotic princes—two prominent circumstances in which they differed from the Indians who lived on the Great Lakes and on the east side of the Alleghanies. At this time the Natchez tribe of Indians occupied almost the entire eastern part of the Mississippi Valley south of the Ohio River, and a portion of that north of this river, and most of the mounds were the limits of their settlements. They were governed by one man who styled himself the child of the sun, or the sun, and upon his breast was the image of that luminary. His wife was called the wife of the sun, and like him was clothed with absolute authority. When either of these rulers died, the guards killed themselves in order to attend them in the other world. They had one temple for the entire nation and when on one occasion it caught fire, some mothers threw their children into the flames to stop their progress. Some families were considered noble and enjoyed hereditary dignity, while the great body of the people were considered vile. Their great chief, the descendant of the sun, the sole object of their worship, they approached with religious veneration, and honored him as the representative of their deity. In their temples, which were constructed with some magnificence, they kept up a perpetual fire as the purest emblem of their divinity. The Mexicans and the people of Bogota were worshipers of the sun and moon, and had temples, altars, priests and sacrifices. The name of the Natchez melted away, and their decline seemed to keep pace with the wasting away of the Mexican empire. The Natchez were partially destroyed in a battle with the French, east of the Mississippi, and after their retreat up Red River, west of the Mississippi, they were finally conquered, their women and children reduced to slavery and distributed among the plantations, and the men themselves sent to serve as slaves in San Domingo.

The Natchez were the most highly polished and civilized of any race of Indians. They had an established religion and a regular priesthood. The usual distinctions created by rank were understood and observed, in

which particulars they differed from the Indians north of the Ohio and east of the Alleghanies. They were seldom engaged in any but defensive wars and did not deem it glorious to destroy the human species. They were just, generous and humane, and attentive to the wants of the needy; and it is probable they inhabited all the country from the Mississippi eastward to the Alleghanies and northward to the Ohio.

In the light of more recent investigations, although Judge Haywood's line of argument is that necessarily followed by naturalists, and although the facts brought to light by him are yet as valuable as though his theory were impregnable, yet it was necessary for him to assume untenable positions in order to make it appear reasonable that the Natchez were the Mound Builders. In all probability this tribe occupied a territory much smaller than that supposed by him, viz.: the entire eastern half of the Mississippi Valley south of the Ohio River. But even if his supposition in this respect were true, there are many thousands of mounds outside of these limits, in Ohio, Indiana, Illinois and Wisconsin. In this latter State the mounds appear to be of a kind peculiar to that location, being so constructed as to show they were designed to be effigies of most of the various kinds of quadrupeds known in the country, as well as fishes, reptiles and birds. Of these perhaps the most remarkable is the "Big Elephant Mound," a few miles below the mouth of the Wisconsin River, in Wisconsin. From its name its form may be inferred. It is 135 feet in length and otherwise properly proportioned. It scarcely seems probable that the people who constructed these mysterious mounds could have represented an elephant or a mastodon without having seen one, and it is perhaps justly inferable that the "Big Elephant Mound" was constructed in the days of the mastodon. If this be true it is eloquent in its argument for the immense age of the mounds, as geologists are generally agreed that the mastodon lived not much later than the Pliocene era.

Another fact attesting the great age of these most interesting relics is this: The human bones found therein, except those of a later and probably intrusive burial, are not in a condition to admit of removal, as they crumble into dust upon exposure to the air; while human bones are removed entire from British *tumuli* known to belong to ages older than the Christian era, and frequently from situations much less conducive to preservation than those in the mounds, and in addition the mounds are rarely found upon the most recently formed terraces of the rivers.

The selection of sites for the location of these mounds appears to have been guided by the location of soils capable of cultivation, and by accessibility to navigable streams; the same situations have since frequently been selected by pioneers of civilization as the centers of settle-

ment and trade. While the purpose for which some of these mounds were erected is sometimes doubtful, as is the case with the "animal mounds" in Wisconsin, a few in Ohio, and some in the valley of the Arkansas, yet as to many of them which have been carefully explored there is less doubt, and they are divided according to the uses to which they were probably devoted. All the earthworks found in Tennessee belong to one of the classes below. Mounds are numerous in West Tennessee, on the Cumberland, on both Big and Little Tennessee, on French Broad, on Duck and on the Elk. The earthworks have been classified by an eminent antiquarian* as follows:

EARTHWORKS.	{	Mounds	{	Sepulchral.
			{	Templar.
			{	Sacrificial.
			{	Memorial.
			{	Observatory.
		Effigies	{	Animal.
			{	Emblematic.
			{	Symbolical.
			{	Military.
		Inclosures	{	Covered.
			{	Sacred.

One of these mounds is in the immediate vicinity of Nashville, upon which Monsieur Charleville, the French trader, had his store in 1714, when the Shawanee Indians were driven away by the Cherokees and Chickasaws. Very large burying grounds lay between this mound and the river; thence westwardly and then to the creek. The great extent of the burying ground, and the vast number of interments therein, induce the belief that a population once resided there many times greater than that now occupying that portion of the State, and suggested the idea that the cemetery was in the vicinity of the mound because the mound was used for religious purposes.

About fourteen miles up the Cumberland above Nashville is a mound twelve to thirteen feet high. Upon excavation ashes were found mixed with lime and substances resembling human bodies after being burned.

On Big Harpeth River, near the mouth of Dog Creek, is a square mound, 47x47 feet and 25 feet high and in a row with it two others from 5 to 10 feet high. At some distance are three others in a row parallel with the first, the space between resembling a public square. All around the bend of the river, except at a place of entrance, is a wall on the margin of the river, the mounds being within the area enclosed by the wall. Within this space is a reservoir of water about fifteen feet square. On the top of the large mound was found an image eighteen inches long from head to foot composed of soapstone. The trees standing upon the mounds are very old; a poplar tree was five or six feet in diameter.

*Isaac Smucker in "Ohio Statistics."

Higher up the river and within a mile of those just described is another bend in the river. In this bend, on the south side of the river, is a mound of the same size as the larger one described above. Near this mound were found a large number of pine knots. As there were then no pine woods within five or six miles it is supposed that these pine knots are the remains of the old field pines, which grew to full size after cultivation had deserted this region, and falling there decayed. The soil renewed its richness, and the present growth, consisting of oaks, poplars and maples, succeeded that renewal. Allowing 250 years for the growth of the pines, 50 years for the renewal of the soil and 350 years for the present growth, 650 years have passed since the commencement of the growth of the pines. Hence those pines must have begun to grow about the year 1240, which again shows the great age of the mounds.

In Sumner County, in a circular enclosure between Bledsoe's Lick and Bledsoe's Spring branch, is a wall from fifteen to eighteen inches high, with projecting angular elevations of the same height, the wall enclosing about sixteen acres. Within the enclosure is a raised platform from thirteen to fifteen feet above the common surface, about 200 yards from the south wall. This platform is sixty yards wide, is level on the top and joins a mound which is twenty feet square and eighteen feet above the common level. In 1785 a black oak tree three feet through was growing on the top of this mound. About 1815 there was plowed up on top of the mound an image made of sandstone. The breast was that of a female and prominent, and the color was that of a dark infusion of coffee. Near this mound was a cave, which at the time of its discovery contained a great number of human skulls, without the appearance of any other portions of the human skeleton near them.

In Williamson County, northwardly from Franklin, on the north side of Little Harpeth, are walls of dirt running north from the river. In 1821 they were four or five feet high, and from 400 to 500 yards long, the inclosure containing about fifty acres. Within this inclosure are three mounds standing in a row from north to south, all nearly of the same size. Within this inclosure is a large number of graves, some of the bones in which were very large.

In the same county on the south side of Big Harpeth, about three miles from Franklin, is an ancient entrenchment nearly in the form of a semi-circle, containing about twenty acres. Within the inclosure made by this entrenchment and the bluff are several mounds of different shapes and sizes, from six to ten feet high and from ten to twelve yards wide. Besides these are other mounds nearly round and ten yards in diameter. The largest of the mounds of the first class is sixty-eight feet wide and

148 feet long and about ten feet high. The trees within the enclosure are as large as those of the surrounding country.

In Hickman County, at the junction of Piney River with Duck River, is an enclosure containing twenty-five or thirty mounds, one of which is about fifteen feet high, round and somewhat raised on top, but yet flat enough to build a house on. At the base it is about thirty or forty yards across. There are numerous mounds in the bottoms of Duck River, and caves containing human bones.

In Lincoln County, near Fayetteville, below the mouth of Norris Creek, are a wall and a ditch proceeding from a point on the river circularly till it returns to the river, forming an enclosure of about ten acres. Within this enclosure are mounds six or eight feet high. On the outside of the wall and joined to it are angular projections about 180 feet apart and extending outward about ten feet. On one of these angular projections stood a black oak tree, which, when cut down, exposed 260 annular rings.

In Warren County are numerous mounds fifteen feet high. Eight miles south from McMinnville, on Collins River, is a mound thirty feet high, with a flat top, containing about one and a half acres of ground. On either side of the mound toward the north and south is a ditch about twenty feet wide and four feet deep at present, extending parallel and terminating at each end at a high bluff. On the mounds were large stumps indicating trees of a very great age.

In Roane County is a mound thirty feet high, having a flat top and a regular ascent from bottom to top. The summit contains one-fourth of an acre, and all around the summit there was a stone wall about two feet high. It is on the south side of the Tennessee River. Across the Tennessee facing the mound is a high bluff, upon which three figures are painted with black and red colors from the waist upward. One of the figures is that of a female.

On the French Broad River, about one mile above the mouth of the Nollichucky, is a mound thirty feet high, with old trees at the top.

In the third section of the fourth range of the Tenth District of the Chickasaw Purchase are seven mounds, one of them seventeen feet high and about 140 feet across. Seven miles southwest of Hatchie River and about fifty miles east of the Mississippi, in a fertile part of the country, are three mounds enclosed by an intrenchment from ten to thirty feet wide. Two miles south of the south fork of Forked Deer River and about fifty miles east of the Mississippi, is a mound fifty-seven feet high and over 200 feet across. On the south side of Forked Deer River, about forty miles west of the Tennessee, is a mound about 100 rods in diameter

at the base, the summit containing about four acres, and in this part of the country are a great number of mounds besides.

On the north bank of the Holston River five miles above the mouth of French Broad, are six mounds on half an acre of ground, irregularly scattered. The bases of these mounds are from ten to thirty feet in diameter, the largest one ten feet high. Near these mounds on a bluff 100 feet high are painted in red colors the figures of the sun and moon, birds, fishes, etc.

The contents of the mounds are sometimes of considerable interest. In 1821 the Charleville mound near Nashville was opened, and pottery of Indian fabrication was found, as also the jaw bone of some unknown carnivorous animal, and small fragments of bones thought to be human. About four feet from the summit was found a layer of charcoal about two inches thick and extending outward from the center of the mound from eight to ten feet. The inference was that a fire had been built on top of the mound, and after the fuel had been consumed, fresh dirt carried in earthen jars and laid on the ashes before they had time to blow away, the fragments of these jars being seen through every part of the mound. The object for which the mound was raised can only be conjectured. It could not have been for a throne for the ruler of the nation, for savages are not thus devoted to their leaders. It could not have been for military purposes, for to be placed on the mound would be only to be more exposed to the enemy's missiles. It could not have been for a tower, for there was no narrow pass near it to be guarded. It therefore seems probable that it could only be for religious purposes.

In the mounds near Bledsoe's Lick (Castalian Springs), in Sumner County, were found ashes, pottery ware, flint, muscle shells, periwinkles, coal, etc. In making an excavation in one of these mounds there was found two feet below the surface a layer of ashes fourteen inches thick. In proceeding downward there were found twenty-eight layers of ashes, alternating with clay, the ashes being of a blackish color. At eight feet below the summit of the mound was found the skeleton of a child, the surroundings bearing evidence of careful burial. The skeleton was in quite a decayed state. At its feet was a jug of sand-stone capable of holding about a gallon. Small pieces of decayed human bones were also found, and also the jaw-bone of some unknown animal with a tusk attached, the tusk being of the same form as that of the mastodon. There were found also the bones of birds, arrow points, and flints at the depth of eighteen feet, and pottery, some of which was glazed, isinglass, and burnt corn-cobs. At the depth of nineteen feet were found a piece of a corn-cob and some small pieces of cedar almost entirely decayed.

Near Nashville, probably about the year 1800, there was dug up an image. The base of this image was a flat circle from which rose a somewhat elongated globular figure terminating at the top with the figure of a female head. The features of the face were Asiatic, probably a resemblance of the Mound Builders themselves. The crown of the head was covered with a cap or ornament, shaped into a pyramidal figure, with a flattened circular summit ending at the apex in a rounded button. Another image was found about twelve miles south from Nashville, of sculptured stone, representing a woman sitting with hands under her chin and elbows on her knees. It was well proportioned, neatly formed and highly polished. Two others were found near Clarksville, one of an old man the other of an old woman. In 1883 a roughish stone image was found on the farm of Dr. W. H. Garman, seven miles from Franklin, Williamson County. This is the image of a person sitting with limbs drawn close to the body and hands upon knees, and with the features resembling somewhat the supposed appearance of the Mound Builders. This image is now in the possession of the Tennessee Historical Society at Nashville.

In a cave about six miles from Carthage on the Cumberland River were found a number of human skeletons, one of which was that of a female with yellow hair, and having around the wrist a silver clasp with letters inscribed resembling those of the Greek alphabet. This was in 1815. But perhap the most interesting relics found in Tennessee, in the form of human skeletons, were discovered in 1811 in a cave in Warren County, about twenty miles from McMinnville. These were of two human beings, one male the other female. They had been buried in baskets the construction of which was evidence of considerable mechanical skill. Both bodies were dislocated at the hips and were placed erect in the baskets, each of which had a neatly fitting cover of cane. The flesh of these persons was entire and undecayed, dry and of a brown color. Around the female, next to her body, was placed a well dressed deer-skin, and next to this was a mantle composed of the bark of a tree and feathers, the bark being composed of small strands well twisted. The mantle or rug was about six feet long and three feet wide. She had in her hand a fan made from the tail feathers of a turkey, and so made as to be opened and closed at pleasure. The hair remaining on the heads of both was entire, and that upon the head of the female, who appeared to have been about fourteen years old at the time of her death, was of a yellow color and a very fine texture. Hence the individuals were thought to have been of European or Asiatic extraction. With reference to the mantles in which these bodies were enclosed it may be remarked that the Florida Indians met with by De

Soto in his wanderings "adorned themselves with mantles made of feathers, or in a textile fabric of some woody fiber," and "wore shoes and clothing made from skins which they dressed and colored with great skill." It appears also that certain Indians were acquainted with some kind of rude art of preserving the bodies of the dead, for, in 1528, Pamphilo de Narvaez and his company in a reconnoissance along the coast near Tampa Bay, Fla., "came upon a little Indian village, where they found some bodies in a sort of mummified condition, the sacred remains, no doubt, of the ancestors of the chiefs of the tribe."† Thus the mantles and the mummified condition of these bodies might perhaps be considered sufficiently accounted for, but there remains the question of the color and fineness of the texture of the hair to be solved.

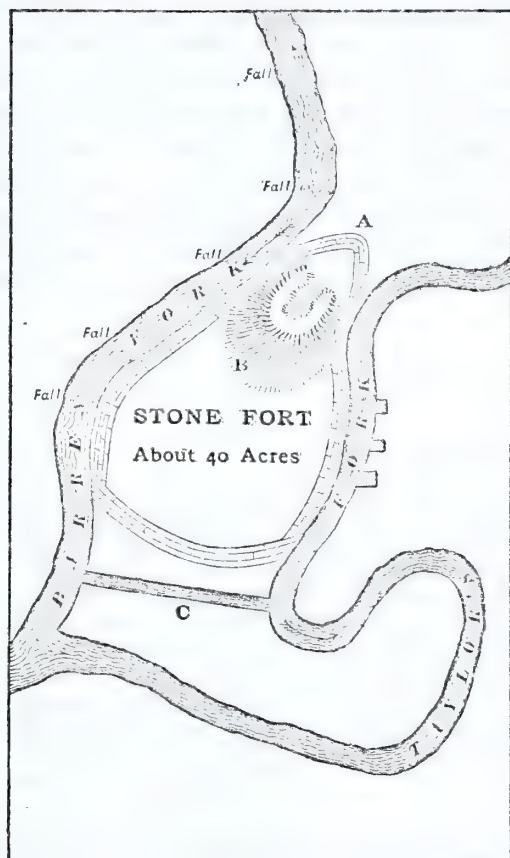
Numbers of the constructions by the Mound Builders were evidently for other than sacrificial or religious purposes. On the south branch of Forked Deer River between the Tennessee and Mississippi Rivers is the appearance of what the people there call an ancient fortification. It is 250 yards square. The wall is made of clay and is eight feet above the general level. Trees as large as any in the surrounding county are growing on the top and sides of the wall. Within this wall is an ancient mound eighty-seven feet high, circular in form except at the top where it is square and fifty feet each way.

In Stewart County, near the junction of Spring Branch with Wells Creek is a fortification about ninety feet square, with bastions twelve feet square at the opposite corners. Large white oak and hickory trees are growing on the walls and bastions.

But perhaps the most interesting of all the ancient constructions in Tennessee is what is everywhere known as the "Old Stone Fort." This fort is in Coffee County, at the verge of the highlands one mile from Manchester, just above the junction of Barren Fork and Taylor's Fork of Duck River. The fort itself is in the form of an irregular oval. On the east and west sides of it the water falls from precipice to precipice until the fall is 100 feet in a half mile. The fort is a wonderful structure. The walls are composed of boulders, conglomerate and *debris* from the beds of the two streams, and earth. The embankment has a base of thirty feet and when built it was doubtless higher than the men who made it. The amount of material which entered into its construction is immense, and a corresponding amount of labor was required to do the work. Thirty years ago the ground was very heavily timbered with poplar, chestnut and hickory, ranging from three to five feet in diameter. Trees as large as could be found anywhere in the vicinity were standing

*Bryant.
†ibid.

immediately on the embankment, and it is manifest that at the time of the building of the fort there was not a tree nor shrub to be found in the vicinity.



In the diagram A represents the entrance into the fort, B a semi-circular embankment to cover the entrance, and C an excavation about 100 feet deep extending from one river to the other. Whether this excavation was made by man or nature can not now be known, but speculation favors the hypothesis that it was made by man. The antiquity of the fort is indubitable. Nothing has ever been found about the fort to furnish the least clue to its origin. It could not have been, as has been suggested, the work of De Soto and his men, for in the first place they were probably much farther south when they passed its longitude, and second it would have required half a lifetime to do the work, and then they would have had no use for it when made. In addition to

these considerations it is shown to have been in existence before De Soto visited this country. On the 7th of August, 1819, Col. Andrew Erwin, on whose land the fort was, caused to be cut down a white oak tree. Maj. Murray and himself counted 357 annular rings in this tree, which was growing on the wall. How long it was after the building of the wall before the tree began to grow it is of course impossible to know. It may have been one hundred or a thousand years. But if no interval be allowed, which however cannot be supposed, the fort can not have been erected later than 357 years previous to 1819, or 1462, thirty years before Columbus discovered America, and seventy-eight years before De Soto made his famous tour of exploration. Thus again do we arrive at an immense age for these works, and it is also fair to presume that the fort was built when this section of the country was thickly inhabited.

Many other remains and relics of great interest, especially to the anti-

quarian, have been found within this State. Enough has been presented to show that the Mound Builders, whencesoever and whenever they may have come, were a numerous, intelligent, religious, agricultural and, to a considerable degree, a warlike people, at least so far as defensive wars are concerned; that they occupied the country probably for many centuries; that they were driven out by a race superior in numbers and probably in the art of war, but inferior in intellect; that they can scarcely have lived in this country later than 1,000 or 1,200 A. D.; that when driven out they probably moved southward into Mexico, Central and South America, and they may possibly have been the ancestors of, or have been absorbed by, some Central American or South American race.

CHAPTER III.

THE INDIAN RACES—DIALECTS AND TRADITIONS—GEOGRAPHICAL TRIBAL LOCATION—FRENCH AND SPANISH SETTLEMENTS—ESTABLISHMENT OF THE FIRST FORT—SAVAGE ATROCITIES—THE FORT LOUDON MASSACRE—DESTRUCTION OF INDIAN VILLAGES AND FIELDS—"THE BELOVED TOWN"—PEACE AND CESSION TREATIES—BATTLE OF POINT PLEASANT—BORDER WARS—EXPEDITIONS OF RUTHERFORD AND CHRISTIAN—"THE LOWER TOWNS"—SEVIER'S CAMPAIGNS—RESERVATIONS AND BOUNDARY LINES—THRILLING FRONTIER INCIDENTS—INDIAN AFFAIRS ON THE CUMBERLAND—ROBERTSON'S EXERTIONS—THE COLDWATER AND NICKAJACK EXPEDITIONS—TREATY STIPULATIONS—THE UNICOI TURNPIKE COMPANY—THE HIWASSEE LANDS—THE WESTERN PURCHASE—EXODUS.

THE race of red men having the earliest claim to the territory now embraced within the limits of Tennessee, was the Iroquois, or Confederacy of Six Nations, though it was for the most part unoccupied by them. The Achalaques had a kind of secondary, or perhaps it may be called permissive claim to it. In Schoolcraft's great work on the Indian races of North America is a map showing the location of the various Indian tribes in the year 1600, which, if authentic, proves that the Achalaques then occupied most of Tennessee east of the Tennessee River, and also small portions of Georgia and Alabama, and a considerable portion of Kentucky. The ancient Achalaques were the same tribe or nation as the modern Cherokees. They have no *l* in their language, and hence substitute the letter *r* therefore, in a manner similar to that in which the modern Chinaman substitutes *l* for *r*. Then by a few other slight and obvious changes the name Cherokee is easily obtained. But the first actual Indian occupants of this territory, of which history or tradition fur-

nishes any account, were the Shawanees, or Shawanoes as they were earlier known.

With respect to the origin of the Shawanees it is proper to observe that they and the Algonquins are the only tribes of Indians, having a tradition of an origin from beyond the seas—of a landing from a sea voyage. John Johnson, Esq., who was for many years prior to 1820 agent for the Shawanees, observes, in a letter dated July 7, 1819, that they migrated from west Florida and parts adjacent to Ohio and Indiana, where they were then located:

“The people of this nation have a tradition that their ancestors crossed the sea. They are the only tribe with which I am acquainted who admit a foreign origin. Until lately they kept yearly sacrifices for their safe arrival in this country. From where they came or at what period they arrived in America they do not know. It is a prevalent opinion among them that white people had inhabited Florida who had the use of iron tools. Blackhoof, a celebrated Indian chief, informs me that he has even heard it spoken of by old people that stumps of trees covered with earth were frequently found which had been cut down with edged tools.”

About the year 1600 the Five Nations were settled near the site of Montreal, Canada, having come probably from the north or northwest. There were among them, as well as among other races, several traditions relative to the extirpation of an ancient race of people. The tradition of the Indians northwest of the Ohio was that Kentucky had been inhabited by white people, and that they had been exterminated by war. The Sac Indians had a tradition that Kentucky had been the scene of much blood. The ancient inhabitants, they said, were white, and possessed arts of which the Indians were entirely ignorant. Col. McGee was told by an Indian that it was a current tradition among the Indians that Ohio and Kentucky had once been inhabited by white people who possessed arts not understood by the Indians, and that after many severe conflicts they had been exterminated. The various sources from which this tradition comes is evidence of its very general existence among the Aborigines more, perhaps, than of its truth.

The Shawanees, who came from the Savannah River, whose name was once the Savannachers, and after whom the Savannah River received its name, at one time claimed the lands on the Cumberland River. This was, however, at a later period in their history, when their name had been changed from the Savannachers to the Shawanoes. The French called both the tribe and the river the Chauvanon, or Shauvanon. The Cherokees, as was stated above, also asserted a claim to the same land, but always acknowledged the superior claim of the Iroquois, who themselves

claimed the country by right of conquest. For many years both Shawnees and Cherokees maintained against each other a bloody contest for its possession; but being so nearly equal in strength and prowess, neither could gain any decided advantage over the other. At length both nations, fearing the results of a continuation of the conflict, refrained from going upon the lands between the Cumberland and the Kentucky and Ohio, for which reason this beautiful section of the country became an immense, luxuriant park, abounding in game of every kind perfectly safe from the arrows of the savages, who fearfully observed this as a neutral ground. When this great and unusual abundance of game became known to white hunters belonging to the English and French pioneers, they soon began to resort thither for the purpose of enriching themselves with the skins and furs of the bear, the deer, the otter and the mink, to be so easily and so plentifully obtained. Gen. Robertson learned that about a century and a half before his time the Shawnees had by degrees returned to the lands on the Cumberland, were scattered to the westward as far as the Tennessee, and even considerably to the north. About the year 1710, being much harassed by the Cherokees, they came to the determination to permanently leave the country.

The Chickasaws were at that time occupying the country to the southwest, in the western part of Tennessee and the northern part of Mississippi. According to their own tradition they came from west of the Mississippi. When about to start eastward from their ancient home they were provided with a large dog as a guard and a pole as a guide. The dog would give them warning of the approach of an enemy, to defend themselves against whom they could then prepare. The pole they set up in the ground every night, and the next morning they would look at it and go in the direction it leaned. They continued their journey thus until they crossed the Mississippi River, and until they arrived on the waters of the Alabama where Huntsville is now located. There the pole was unsettled for several days, but finally becoming steady it leaned in a northwest direction, and in consequence they resumed their journey toward the northwest, planting the pole every night as before until they arrived at the place called "Chickasaw Old Fields," where the pole stood perfectly erect. All then came to the conclusion that they had reached the promised land. In this location they remained until 1837 or 1838, when they migrated west of the State of Arkansas.

When the pole was in its unsettled condition a part of the tribe moved on eastward and joined the Creeks. They always afterward declined the invitation to reunite with the majority of their tribe, but always remained friendly until they had intercourse with the whites. The great dog was

lost in crossing the Mississippi, and the Chickasaws always believed that he fell into a large sink-hole and there remained. They said they could hear him howl at night, and so long as this continued whenever they took any scalps from an enemy they sent boys back with the scalps to throw to the dog. In traveling from the West they have no recollection of having crossed any large stream of water except the Mississippi. Upon leaving the West they were informed they might look for white people, that these white people would come from the East, and that they were to be on their guard against them lest they should become contaminated with all the vices the whites possessed.

The Shawanees, it is believed, came to this country about the year 1650, and in 1710 or thereabouts, when they determined to leave it forever on account of the frequent harassments to which they were subjected by the Cherokees, the Chickasaws, for some reason which does not appear, united with the Cherokees, the hereditary enemies of the Shawanees, for the purpose of striking a decisive blow and thus making themselves masters of the situation. In pursuance of this design a large body of Chickasaws repaired to the Cumberland just above the mouth of Harpeth, where they attacked the Shawanees, killed a large number of them and took from them all their property. The remnant of the tribe made their way northward as best they could.

The claim of the Cherokees to the land north of the Cumberland was not considered as perfect even by themselves. This became apparent at the treaty of Fort Stanwix, which was made November 3, 1768. This treaty was made between Sir William Johnson, superintendent for northern Indian affairs, representing the King of Great Britain, and 3,200 Indians of seventeen different tribes—the Six Nations, and tribes tributary to that confederacy, or occupying territory contiguous to territory occupied by them. In this treaty the delegates of the respective nations aver that “they are the true and absolute proprietors of the lands thus ceded,” and that for the consideration mentioned they continued the line south to Cherokee or Hogohegee* River, because the same is and we declare it to be our true bounds with the southern Indians, and that we have an undoubted right to the country as far south as that river.” Some visiting Cherokees, who were present at the treaty, on their arrival at Fort Stanwix, having killed some game on the way for their support, tendered the skins to the Six Nations, saying, “they are yours, we killed them after passing the Big River,” the name by which they always called the Tennessee. By the treaty at Fort Stanwix the right to the soil and sovereignty was vested in the king of

* Holston.

Great Britain, and by the treaty of 1783 the king of Great Britain resigned his sovereignty in the lands, and thus they became the property of those States within whose limits they happened then to be.

While the Six Nations claimed the lands only by the right of conquest, the Cherokees had long exercised the privilege of using them as a hunting ground, and naturally, therefore, regarded with jealousy the encroachments of the whites. John Stuart, superintendent of Southern Indian Affairs, was, therefore, instructed to assemble the southern Indians for the purpose of establishing a boundary line with them, and concluded a treaty with the Cherokees at Hard Labour, S. C., October 14, 1768. By this treaty it was agreed that the southwestern boundary of Virginia should be a line "extending from the point where the northern line of North Carolina intersects the Cherokee hunting grounds, about thirty-six miles east of Long Island, on the Holston River, and thence extending in a direct course north by east to Chiswell's Mine, on the east bank of Kanawha River, and thence down that stream to its junction with the Ohio."

Having thus traced the Iroquois and Shawanees to their departure from the State, the former by treaty with Great Britain, and the latter by expulsion by the Cherokees and Chickasaws, there now remain, to treat of in this chapter the Creeks—or as they were originally known, the Muscogeas—the Choctaws and Chickasaws, the three leading tribes or nations of the Appalachian group, which in early Indian times, just previous to the dawn of history in this State, occupied Florida, Georgia, Alabama, Mississippi and the western part of Tennessee, and the Achalagues or Cherokees, who ostensibly occupied Eastern and Middle Tennessee and small portions of Georgia, Alabama and Kentucky.

Perhaps the earliest exploits of the Creeks and Cherokees desirable to mention in this work, were their alliances with the whites in 1711, about the time of the expulsion of the Shawanees from the Cumberland, when the Tuscaroras, Corees and other tribes combined for the extermination of the settlers on the Roanoke, their attempt resulting in the massacre of 137 white people. The details of this disaster reaching Charleston, Gov. Craven sent Col. Barnwell with 600 militia and 400 Indians went to the relief of the survivors, the 400 Indians consisting in part of Creeks and Cherokees. The Tuscaroras and Corees were subdued, the hostile portion of the former tribe migrated to the vicinity of Oneida Lake, and then became the sixth nation of the Iroquois Confederacy.

In about four years after the suppression of the Tuscaroras, all the Indian tribes from Florida to Cape Fear united in a confederacy for

the destruction of the white settlements in Carolina. This confederacy was composed of the Catawbas, Congarees, Creeks, Cherokees, and Yamassees. It is believed they were instigated to the course they pursued by the Spaniards, as they had just received guns and ammunition from St. Augustine. After spreading desolation and death for some time through the unsuspecting settlements, the confederacy was met by Gov. Craven at Salkehatchie, defeated and driven across the Savannah River.

The French were at this time erecting forts in various parts of the Southwest: Paducah at the mouth of the Cumberland; Assumption, on Chickasaw Bluff; besides others, and numerous trading posts on the Tennessee. The English and French colonists were each seeking to ingratiate themselves with the various Indian tribes with which they came in contact, with the view of attaching to themselves as many of the Indians as possible and of thus obtaining advantages the one over the other. In pursuance of this policy Gov. Nicholson, in 1721, invited the Cherokees to a general conference, in order to establish a treaty of commerce and friendship. In response to this invitation the chieftains of thirty-seven different towns attended the conference, at which Gov. Nicholson made them presents, laid off their boundaries, and appointed an agent to superintend their affairs. Similar measures were taken with the Creeks. In 1730 the projects of the French with reference to uniting Louisiana and Canada began to be more noticeably developed. They had already made many friends among the Indians west of Carolina, and in order to counteract their influence Great Britain sent out Sir Alexander Cumming to treat with the Cherokees, who then occupied the lands about the head waters of the Savannah River, and backward from the Appalachian chain of mountains. This tribe was then computed to consist of more than 20,000 individuals, 6,000 of whom were warriors. Sir Alexander met the chiefs in April of the year last mentioned at Nequassee, all the towns sending in representatives or delegates. Nequassee was near the sources of the Hiwassee. A treaty of friendship, alliance and commerce was drawn up and formally executed, in consequence of which a condition of peace and friendship continued to exist for some time between the colonists and this tribe. Two years afterward Gov. Oglethorpe effected a treaty with the Lower and Upper Creeks, a powerful tribe then numbering in the aggregate about 25,000 souls. These alliances with the Cherokees and Creeks promised security to the colonists from the encroachments from the Spanish and French in Florida and Louisiana.

In 1740 the Cherokee Indians marked out a path from Augusta to their nation, so that horsemen could ride from Savannah to all the Indian nations. In 1750 a treaty was made by Col. Waddle and the chief, Attakullakulla, in behalf of the Cherokee nation, in accordance with which Fort Dobbs was built about twenty miles from Salisbury, N. C., and near the Yadkin; but the Indians paid but little attention to the treaty, as they killed some people the next spring near the Catawba. In 1755 Gov. Glenn, of South Carolina, met the Cherokee warriors and chiefs in their own country, and made a treaty with them at which a cession of considerable territory was made to the King of Great Britain and deeds of conveyance formally executed in the name of the whole people. In 1756 the Earl of Loudon, commander of the King's troops in America, sent Andrew Lewis to erect a stone fort on the Tennessee River, at the head of navigation. It was erected about thirty miles from the present site of Knoxville, and was named Fort Loudon in honor of the Earl. This fort was garrisoned with about 200 men, the existence of the fort and the presence of the troops giving great uneasiness to the Indians. In the spring of 1758 the settlement around Fort Loudon, by the arrival of hunters and traders, soon grew into a thriving village. During this year the British captured Fort Du Quesne, the English Army being commanded by Gen. Forbes, and immediately after its capitulation the name was changed to Fort Pitt, in honor of the great commoner of England. In the army of Gen. Forbes were several Cherokees, who had accompanied the provincial troops of North and South Carolina. The disaffection among the Cherokees already existing was unfortunately suddenly and largely increased by a serious occurrence in the back parts of Virginia. Returning home through this part of the country, the Cherokees, who had lost some horses on the expedition to Fort Du Quesne, stole such as they found running at large. This action of theirs was resented by the Virginians killing twelve or fifteen of the Cherokees, which ungracious conduct from allies whose frontier the Cherokees had aided to defend, at once aroused a spirit of resentment and revenge. The garrison of Fort Loudon, consisting of about 200 men, under the command of Capts. Demeré and Stuart, on account of its remoteness from white settlements, was the first to notice and suffer from the retaliatory proceedings of the Cherokees. Soldiers making excursions into the woods to procure fresh supplies of provisions were attacked by the Indians, and some of them killed. From this time it became necessary for them to confine themselves within the narrow limits of the fort. The sources of their provisions being cut off, there seemed no prospect before them but famine and death. Parties of warriors

rushed down upon the settlements along the border, and the work of massacre became general among the frontier settlements.

After the fall of Fort Du Quesne, and the decline of the power of France in America, a fundamental change occurred in the relations of the northern Indian tribes to the French and English nations. The northern tribes had hitherto been allied to the French, but now the French, having been overcome by the English, it became necessary for them to transfer their allegiance to the English. But the southern tribes remained quiescent and relied for security on the power of the French. At this time the territory of the Cherokees extended from Fort Ninety-six on the Carolina frontier and Fort Prince George on the Keowee branch of the Savannah to the source of that river and across the Appalachian chain of mountains to and down the Cherokee or Tennessee River and its southern branches, a country replete with every resource required for the sustenance of savage life and customs.

Gov. Lyttleton hearing of the investment of Fort Loudon, and of the outrages along the border, summoned the militia to assemble at Congaree, for the purpose of chastising the enemy, but previous to assuming offensive measures, called together some of the head men of the nation and made with them a treaty, which after reciting reference to former treaties, which had been violated by the Indians, proceeded with commendable precision to rehearse grievances of a still later date, for all of which the Cherokees promised to make amend, and also promised good conduct for the future. Two of their own nation who had committed murders were actually delivered up, and the surrender of twenty more was promised, to be kept as hostages, until the same number of Indians guilty of murder, should be delivered up, and that the Cherokees should kill or take prisoner every Frenchman that should presume to come into the nation. This treaty was signed by Attakullakulla and five other principal chiefs on the part of the Cherokees, and by Gov. Lyttleton. His purpose having been accomplished, and peace restored as he supposed, the Governor returned to Charleston, and the Indians recommenced their depredations. It has been well said by a writer on American history, that the Indians are of such a nature that unless they feel the rod of chastisement, they cannot believe in the power to inflict it; and accordingly whenever they happen to be attacked unprepared they have resource to a treaty of peace as a subterfuge, in order to gain time to collect themselves. Then without the least regard to the bonds of public faith, they renew their hostilities on the first opportunity. Possibly, however, there may be some little palliation for their perfidy with reference to this treaty with Gov. Lyttleton signed by the six Cherokees, when it is consid-

ered that only this small number signed it, and that the treaty itself was not in accordance with the sentiments of the tribe. This became painfully evident immediately after the departure of the Governor from Fort Prince George and the dispersion of his army. Hostilities were at once renewed and fourteen whites killed within a mile of the fort. On the 18th of February, 1760, the Cherokees assembled at the fort on the Keowee, and attempted to surprise it. As the garrison was gazing at the forces from the ramparts, a noted chief, Oconostota, approached and expressed a desire to speak to the commandant, Lieut. Coytnore, who agreed to meet him on the bank of the Keowee River, whither he was accompanied by Ensign Bell and the interpreter, Mr. Coharty. Oconostota said he wished to go down to see the Governor and requested that a white man be permitted to go with him. This request being acceded to he said to an Indian "Go and catch a horse for me." This was objected to, but the chief making a faint motion carelessly swung a bridle, which he held, three times around his head. This being a secret signal to men lying concealed, a volley was poured in which mortally wounded Coytnore, who received a ball in his breast, and inflicted deep flesh wounds on others.

This treachery of Oconostota so aroused the indignation of Ensign Miln, commanding the garrison of the fort, that he determined to put the twenty hostages as well as the two murderers in irons; but the first attempt to seize the assassins was so successfully resisted that the soldier deputed to effect it was instantly killed and another wounded. This so exasperated the garrison that they immediately put to death all the hostages. This act of retaliation was followed by a general invasion of the frontier of Carolina, and an indiscriminate slaughter of men, women and children.

Measures were taken as soon as practicable to punish and restrain these excesses by collecting together a large force of men and sending them forward under Col. Montgomery for the Cherokee country. Such was the celerity of his movements that the Cherokees were taken completely by surprise. On the 26th of May he reached Fort Ninety-Six, and on June 1 passed the twelve-mile branch of the Keowee. Four miles before reaching the town of Estatoe Col. Montgomery's attention was attracted by the barking of a dog about a quarter of a mile from the road, at a town called Little Keowee. He detached a force of soldiers to surround the town with instructions to kill the men, but to spare the women and children, which instructions were obeyed, the main force proceeding on to Estatoe, a town of about 200 houses, well supplied with provisions and ammunition. Estatoe was reduced to ashes, and twelve of its warriors killed. Other towns were attacked in rapid succession, until every one in the lower

nation had been visited and destroyed. About twenty of the Cherokees were killed and forty taken prisoners, with a loss to Col. Montgomery of four soldiers killed and two officers wounded.

Montgomery then returned to Fort Prince George, whence he sent out messengers inviting the Cherokees to sue for peace, and also sending word to Capts. Demeré and Stuart, commanding at Fort Loudon, requesting them to obtain peace if possible with the Upper Towns. But hearing nothing from them he determined to penetrate to the Middle Towns. Starting on the 24th of June he marched with the same celerity three days, on the third day reaching Etchowee. Entering the valley near this town the savages sprang from their lurking lair, fired upon the troops, killed Capt. Morrison and wounded a number of his men. A heavy firing sprang up on both sides and lasted about an hour, with the result of killing twenty-six and wounding seventy of Col. Montgomery's men. The loss to the Indians is not known, but the battle was not decisive, and Col. Montgomery, with such a large number of wounded men upon his hands, found it impracticable to proceed further, and so returned to Fort Prince George.

Fort Loudon, by reason of its great distance from the seat of authority in North Carolina, was peculiarly exposed to the dangers of frontier warfare. Its garrison was now reduced to the fearful alternative of starving to death or of submitting to the enraged Cherokees, as neither Virginia nor North Carolina was able to render any assistance. For an entire month they had been obliged to subsist on the flesh of lean dogs and horses and a small supply of Indian beans, stealthily procured for them by some friendly Cherokee women. Besieged night and day, and with no hope of succor, the garrison refused longer to be animated and encouraged to hold out by their officers, and threatened to leave the fort, take their chances of cutting through the forces of their savage besiegers, and, failing, die at once rather than longer endure the slow, painful process of starvation. The commander therefore held a council of war, and the officers all being of the opinion that it was impossible to hold out longer, agreed to surrender the fort to the Cherokees on the best terms that could be obtained. Capt. Stuart therefore obtained leave to go to Chota, where he obtained the following terms of capitulation:

That the garrison of Fort Loudon march out with their arms and drums, each soldier having as much powder and ball as their officers shall think necessary for the march, and all the baggage they may choose to carry; that the garrison be permitted to march to Virginia or Fort Prince George as the commanding officer shall think proper, unmolested; that a number of Indians be appointed to escort them and hunt for provisions on the march; that such soldiers as are lame, or are by sickness disabled from marching, be received into the Indian towns and kindly used until they recover, and then be allowed to return to Fort Prince George; that the Indians provide for the garrison as many horses as they conveniently can for the march, agreeing with the officers and soldiers for pay-

ment; that the fort, great guns, powder, ball and spare arms be delivered to the Indians without fraud or delay on the day appointed for the march of the troops.

In accordance with this stipulation the garrison marched out of the fort, with their arms, accompanied by Oconostota, Judd's friend, the prince of Chota, and several other Indians, and marched fifteen miles on the first day, encamping for the night on a plain about two miles from Tellico. At this place all their Indian attendants left them upon one pretext or another. This desertion was looked upon by the garrison as of a very suspicious nature, and hence a strong guard was placed around the camp. The next morning about daybreak, one of the guard came running into camp with the information that a vast number of Indians armed and painted in the most dreadful manner, were creeping up among the bushes and preparing to surround the camp. Almost immediately the enfeebled and dispirited garrison was surrounded and a heavy fire was opened upon them from all quarters, which they were powerless to resist. Capt. Demeré, three other officers and about twenty-six private soldiers fell at the first onset. Some fled to the woods, others were taken prisoners and confined in the towns of the valley. Capt. Stuart and some others were taken back to Fort Loudon. Attakullakulla, hearing of his friend Stuart's capture, immediately repaired to the fort, purchased him from his captors, took him to his own home, where he kept him until a favorable opportunity should offer for aiding him in his escape. The soldiers were after some time redeemed by the Province at great expense.

While the prisoners were confined at Fort Loudon, Oconostota decided to make an attack upon Fort Prince George, and in the attack to employ the cannon and ammunition taken at Fort Loudon. The council at which this decision was made was held at Chota, Capt. Stuart being compelled to attend. The Captain was given to understand that he must accompany the expedition to Fort Prince George, and there assist in the reduction of the fort by manning the artillery for the Indians, and by being their enforced amanuensis in the correspondence with the fort. This prospect was so alarming to the Captain that he, from the moment of being made acquainted with the designs of the Cherokees with reference to himself, resolved to escape or perish in the attempt. He therefore privately communicated his purpose to his friend Attakullakulla, and invoked his assistance to accomplish his release, which Attakullakulla promptly pledged himself to give. Claiming Capt. Stuart as his prisoner, he announced to the other Indians his intention of going hunting for a few days, and took the Captain with him. The utmost caution and celerity were required in order to prevent surprise from pursuit. Nine days and nights did they hasten on through the wilderness for Virginia.

shaping their course by the sun and moon. On the tenth they fell in with a party of 300 men at the banks of Holston River, sent out by Col. Bird for the relief of Fort Loudon. For his kindly offices to Capt. Stuart Attakullakulla was loaded with provisions and presents, and sent back to protect the other unhappy prisoners until such time as they could be ransomed, and to exert his influence with his nation for the restoration of peace.

The success of the Cherokees at Fort Loudon and the fact of the battle of Etchowee with Col. Montgomery being indecisive, or perhaps rather being favorable to the Indians, only served to stimulate their spirit of aggression; but the French in Canada being now reduced it became much surer than hitherto to send from the north a force adequate to the defense of the southern provinces. In pursuance of this policy of defense against the warlike Indians, Col. Grant arrived at Charleston with the British regulars early in 1761, and in company with a provincial regiment raised for the purpose, marched for the Cherokee country. Among the field officers of this regiment were Middleton, Laurens, Moultrie, Marion, Huger and Pickens. Col. Grant arrived with his command at Fort Prince George May 27, 1761. Attakullakulla, hearing of the approach of this formidable army, hastened to the camp of Col. Grant, and vainly proposed terms of peace; but knowing too well the story of Cherokee perfidy, the Colonel was determined on severer measures than a treaty, the terms of which were so soon forgotten. A fierce battle was therefore fought near the town of Etchowee on the same ground where a year before Montgomery was practically defeated. The engagement raged three hours, until the perseverance and bravery of the soldiers expelled the Cherokees from the field. After the battle their granaries and corn fields were destroyed, and their wretched families driven to the barren mountains. Their warlike spirit was for a time subdued, and at the earnest solicitation of Attakullakulla, the old and friendly chief, peace was once more restored and ratified. The peace which succeeded this victory over the Cherokees brought with it a remarkable increase of population and prosperity.


In 1767, upon the application of the Cherokee nation, and at the recommendation of Gov. Tryon, an application was made by North Carolina for the running of a dividing line between the western settlements of the Province and the hunting grounds of the Cherokees, the tribe of Indians most closely identified with the history of Tennessee. They were a formidable tribe, both with regard to numbers and to warlike prowess. The early history of this State is full of incidents illustrative of their courageous, revengeful and perfidious spirit. It had been found impossible to reconcile them with the Tuscaroras. When the attempt was

made the Cherokees replied: "We can not live without war. Should we make peace with the Tuscaroras we must immediately look out for some other nation with whom we may be engaged in our beloved occupation." Animated by this sentiment they were constantly acting on the offensive. In the earlier maps of the country the Tennessee River is called the Cherokee, as the Cumberland was early called the Shawanee, and similarly the name of this tribe was applied to the mountains near them, the word Currahee being only a corruption of Cherokee. They had almost universally been conquerors in their wars with other nations, and their continued success made them arrogant, quarrelsome and defiant. About the year 1769 they took offense at the Chickasaws and made a hostile invasion of their country. At the Chickasaw Old Fields the inoffensive but brave Chickasaws met them with great spirit, the result being a sanguinary conflict and the total defeat of the Cherokees, who retired to their own village beyond the Cumberland and the Caney Fork. This defeat, occurring about the same time with the settlement on the Watauga, doubtless contributed much to the peaceful demeanor of the Indians toward that infant and feeble colony, and hence to its success.

One of the institutions of most Indian tribes was the city of refuge, which, if a murderer or other criminal could once enter, was a sure protection against punishment so long as he remained within its limits. Chota, five miles above the ruins of Fort Loudon was the city of refuge for the Cherokees. On a certain occasion an Englishman, after killing an Indian warrior in defense of his property, took refuge in Chota and found protection there so long as he chose to remain, but was warned that if he ventured outside some Cherokee would surely kill him on the first opportunity. How long he remained in Chota is not recorded, nor what was his fate upon leaving the beloved town.

The Cherokees had a profound veneration for the relics of the Mound Builders, the origin of which, however, they knew nothing; but they considered them the vestiges of an ancient and numerous race, further advanced in the arts of civilized life than themselves.

Early in 1772 the authorities of Virginia made a treaty with the Cherokees by which a boundary line was agreed upon, to run west from the White Top Mountain in northern latitude 36 degrees, 30 minutes. Almost immediately afterward the Watauga leases were made, which are referred to in the chapter on settlement; and also that of Jacob Brown. In the fall of 1774 negotiations were commenced between Richard Henderson & Co. and the Cherokees, which terminated in March, 1775, the treaty being held at Watauga. At this treaty two deeds were obtained—one known as the "Path Deed," and the other as the "Great Grant." The boundaries expressed in the Path Deed were as follows:



"All that tract, territory, or parcel of land beginning on the Holston River, where the course of Powell's Mountain strikes the same; thence up the said river as it meanders to where the Virginia line crosses the same; thence westwardly along the line run by Donelson *et. al* to a point six English miles eastward of the Long Island in the said Holston River; thence a direct course toward the mouth of the Great Kanawha, until it reaches the top of Powell's Mountain; thence westwardly along the said ridge to the beginning." The Great Grant Deed contained the following boundaries:

"All that tract, territory or parcel of land situated, lying and being in North America, on the Ohio River, one of the eastern branches of the Mississippi River, beginning on the said Ohio River, at the mouth of Kentucky, Cherokee or what is known by the English as the Louisa River; thence running up said river, and the most northwardly fork of the same to the head spring thereof; thence a southeast course to the ridge of Powell's Mountain; thence westwardly along the ridge of said mountain unto a point from which a northwest course will hit or strike the head spring of the most northwardly branch of Cumberland River; thence down the said river, including all its waters, to the Ohio River; thence up the said river as it meanders to the beginning."

These two purchases, or the treaty under which they were made, were repudiated by both North Carolina and Virginia, as being made by private individuals, the States themselves, however, claiming the benefit of the treaty. About the time of the commencement of negotiations between Col. Henderson & Co. and the Cherokees, occurred the first battle with the Indians in which Tennessee troops were engaged. This was the battle of the Kanawha or Point Pleasant, on the Ohio River, and here they displayed that adventure and prowess which have so signally characterized them during all periods of the history of their State. The tribes of Indians engaged in the work of destruction and massacre on the Virginia frontier were the Shawanees and other northern and western tribes. Lord Dunmore took immediate and vigorous measures to repress the hostilities and punish the audacity of the enemy. Four regiments of militia and volunteers under Gen. Andrew Lewis, who built Fort Loudon, were ordered to march down the Great Kanawha to the Ohio. While on the march down the Great Kanawha, or, as it is called now, the New River, Gen. Lewis was joined by Capt. Evan Shelby, who had raised a company of upward of fifty men for the expedition in what are now Sullivan and Carter Counties. The entire army reached and encamped upon the present site of Point Pleasant, on the 6th of October. Early on the morning of the 10th the camp was attacked by a large body

of Indians, and a sanguinary battle ensued which lasted the entire day, but which by skillful maneuvering and courageous fighting terminated in the evening in a total rout of the Indians, in their precipitate flight across the Ohio, and their return to their towns on the Scioto. The loss of the Indians in this hard and well-fought battle appears not to have been ascertained, but that of Gen. Lewis was twelve commissioned officers killed or wounded, seventy-five non-commissioned officers killed and 141 wounded.

Capt. Evan Shelby's company consisted of the following persons: James Robertson, Valentine Sevier and John Sawyer were three of the orderly sergeants; James Shelby, John Findley, Henry Sparr, Daniel Mungle, Frederick Munglo, John Williams, John Comack, Andrew Torrence, George Brooks, Isaac Newland, Abram Newland, George Ruddle, Emanuel Shoutt, Abram Bogard, Peter Forney, William Tucker, John Fain, Samuel Fain, Samuel Vance, Samuel Handley, Samuel Samples, Arthur Blackburn, Robert Handley, George Armstrong, William Casey, Mack Williams, John Stewart, Conrad Nave, Richard Burk, John Riley, Elijah Robertson, Rees Price, Richard Halliway, Jarret Williams, Julius Robinson, Charles Fielder, Benjamin Graham, Andrew Goff, Hugh O'Gullion, Patrick St. Lawrence, James Hughey, John Bradley, Basileel Maywell and Barnett O'Gullion.

After the battle of Point Pleasant a treaty was made between the Indians and Lord Dunmore, by which they relinquished all their claims to lands north of the Ohio River, and by the treaty with Henderson & Co. the Cherokees relinquished all their claim to the land lying between the Ohio and Cumberland Rivers; hence this immense tract of magnificent country was at that time entirely free from Indian occupants as claimants.

Previous to the conclusion of the Henderson Treaty, a remarkable speech was made by Oconostota, a Cherokee chief, whose name has occurred heretofore in this history. Oconostota had fought for the retention of the country by his own people and was now opposed to the treaty, and though his speech was listened to with profound attention and all the respect due to so venerable an orator, yet its counsels were not heeded, and the cession was made. In the light of subsequent events, however, it can scarcely be said that the cession was unwise, notwithstanding the eloquence and prophetic nature of the speech of Oconostota, for had not the cession been made in March, 1775, it would have been made at a later time and at the close of a more or less protracted and sanguinary struggle. In his speech Oconostota reminded his auditory of the once flourishing condition of his nation, of the continual en-

encroachments of the white people upon the consequently continually retreating Indian nations, who had been compelled to leave the homes of their ancestors to satisfy the insatiable greed of the white people. It was at one time hoped that these white people would not be willing to travel beyond the mountains, but now that fallacious hope had vanished, and the Cherokee lands were fast being absorbed and usurped, and the attempt was now being made to have those usurpations confirmed by a treaty in which the Cherokees would sign their own rights away, after the accomplishment of which the same encroaching spirit would again lead them upon other Cherokee lands, until finally the entire country which the Cherokees and their forefathers had occupied for so many centuries would be required, and the Cherokee nation once so great and formidable, reduced to a small remnant, would be compelled to seek a retreat in some far distant wilderness, there to dwell but a short time when the same greedy host would again approach with their banners of civilization, and unable to point out any further retreat for the Cherokees to seek, would proclaim the extinction of the whole race. The close of this oration was a strong appeal to his people to run all risks rather than consent to any further diminution of their territory.

But when accomplished this treaty, like so many others, failed to satisfy a large portion of the Cherokee nation, and in the year 1776 they made great preparations for an attack on the settlements on the Watauga and Holston. Indications of these preparations became more and more evident and numerous. Jarret Williams and Robert Dews, two traders among them, from observations they had made arrived independently of each other at the conclusion that an exterminating war had been determined upon. Evidence was also discovered that the Cherokees had been so influenced as to be ready to massacre all the back settlers of Carolina and Georgia. The commencement of the Cherokee hostility was the killing of two men named Boyd and Doggett, after the former of whom Boyd's Creek in Sevier County was named. John Stuart, superintendent of southern Indian affairs, instructed by the British War Department, dispatched orders to his deputies resident among the different tribes, to carry into effect the desires of the Government. Alexander Cameron, agent for the Cherokee nation, upon receipt of his instructions, lost no time in convening the chiefs and warriors: and notwithstanding efforts were made by the Americans to counteract his intrigues, Cameron was successful in enlisting the sympathies and assistance of a majority of the head men and warriors of the tribe. A formidable invasion was planned by the Cherokees, which would doubtless have been harassing and destructive in the extreme but for the opportune assistance of Nancy Ward.

who has been named the "Pocahontas of the West," and who, allied to some of the leading chiefs, obtained information of their plan of attack and immediately thereupon communicated this information to Isaac Thomas, a trader, her friend and a true American. Mr. Thomas without delay proceeded to the committee of safety in Virginia, which adopted such measures as were practicable for the defense of the frontier.

The plan of attack by the Cherokees upon the settlements was for one division of the Indians under "Dragging Canoe" to fall upon the Holston settlement, and another division under "Old Abraham" to fall upon Watauga. These divisions were to consist of 350 men each. "Dragging Canoe's" division was defeated in a "miracle of a battle" at Heaton's Station near Long Island, in which the Indians lost upward of forty in killed and the settlers, only five wounded, all of whom recovered. Among the wounded was John Findley, who was supposed by Collins and by Ramsey not to have been heard of after the attack on Boone's camp in 1769. "Old Abraham" with his forces made the attack on the fort at Watauga, where Capt. James Robertson was in command. Capt. John Sevier was also present, and although the attack was made with great vigor the defense was successful and the Indians were driven off with considerable loss. It was during this siege that occurred the following romantic incident: As the Indians approached the fort they appear to have taken by surprise, and almost surrounded, Miss Catharine Sherrill, who, discovering her danger just in time, started for the fort. She was a young woman, tall and erect of stature and fleet of foot as the roe. In her flight she was closely pursued, and as she approached the gate she found other Indians in her way, doubtless confident of a captive or of a victim to their guns and arrows. But turning suddenly she eluded her pursuers and leaped the palisades at another point, falling into the arms of Capt. John Sevier. In a few years after this sudden leap into the arms of the captain she became the devoted wife of the colonel, and the bosom companion of the general, the governor, the people's man and the patriot, John Sevier, and finally the mother of ten children, who could rise up and call her blessed.

Another incident not less romantic but of quite a different character connected with this attack upon Fort Watauga, is worthy of commemoration. No one in the fort was wounded, but Mrs. Bean was captured near Watauga, and taken a prisoner to the station camp of the Indians over the Nollichucky. After being questioned by the Indians as to the number and strength of the forts occupied by the white people, she was condemned to death, bound and taken to the top of one of the mounds to be burned. It was a custom with the Cherokees to assign to a certain

woman the office of declaring what punishment should be inflicted upon great offenders, whether for instance, burning or other death, or whether they should be pardoned. The woman so distinguished was called the "beloved" or "pretty woman." At the time Mrs. Bean was condemned to death Mrs. Nancy Ward was exercising the functions of the "pretty woman," and the question of carrying into execution the sentence against Mrs. Bean being referred to Mrs. Ward, she pronounced her pardon.

A division of the Cherokees (other than those commanded by Old Abraham and Dragging Canoe), commanded by Raven, made a detour across the country with the intention of falling upon the frontier in Carter's Valley. Coming up the Holston to the lowest station, the Raven heard of the repulse at Watauga and of the bloody defeat at Long Island Flats, and hence retreated to his own towns. A fourth party of Indians fell upon the inhabitants scattered along the valley of Clinch River, and carried fire, devastation and massacre to the remotest cabin on Clinch, and to the Seven Mile Ford in Virginia. William Creswell, whose numerous descendants now live in Blount and Sevier Counties, was among the killed.

This, as has been previously said, was about the time of the commencement of the Revolutionary war, and the hostilities of and invasion by the Cherokees were imputed to the instigation of British officers. The details of the conspiracy were traced to a concerted plan of Gen. Gage and John Stuart, the superintendent of Indian affairs for the southern district. The evidence appears conclusive that Mr. Stuart was engaged in arousing the resentment and in stimulating the bad passions of the savages against the Americans who were struggling against aggression, and attempting to vindicate the rights of freemen. The plan of Gen. Gage and Mr. Stuart was to send a large body of men to west Florida, to penetrate through the country of the Creeks, Cherokees and Chickasaws, and induce the warriors of those nations to join the body, and with this large force of British and Indian soldiers, invade the Carolinas and Virginia. But after the repulse of Peter Parker in the harbor of Charleston, preparations were immediately made by the colonists to march with an imposing force upon the Cherokees, who at that time occupied, as places of residence or hunting grounds, the country west and north of the upper settlements in Georgia, west of the Carolinas and southwest of Virginia. Their country was known by three great geographical divisions, as the Lower Towns, having 356 warriors; the Middle Settlements, having 878 warriors; and the Overhill Towns, having 757 warriors—a total of 1,991 warriors.

Col. McBurny and Maj. Jack, from Georgia, entered the Indian settlements on Tugalo, defeated the Indians, and destroyed their towns on

that river. Gen. Williamson, of South Carolina, early in July was at the head of 1,150 men, in command of whom he encountered and defeated a large body of Esseneca Indians at Oconowee, destroyed their towns and a large amount of provisions. Burning Sugaw Town, Soconee, Keowee, Octatoy, Tugalo and Braso Town, he proceeded against Tomassee, Chechokee and Eusturtee, at which latter place, observing a trail of the enemy, he made pursuit, overtook and vanquished 300 of their warriors, and destroyed the three last named towns. In the meantime North Carolina had raised an army under Gen. Rutherford, who, in concert with Col. Williamson and Col. Martin Armstrong, marched upon the Indians and fought an engagement with them at Cowhee Mountain, in which but one white man was killed. How many of the Indians were killed is not known, as the survivors carried off their dead. From Cowhee Mountain the army under Gen. Rutherford marched to the Middle Towns on the Tennessee River, expecting there to form a junction with Gen. Williamson. After waiting a few days they left here a strong guard and marched on to the Hiwassee towns, but all the towns were found evacuated, the warriors evidently not desiring to meet the troops under Gen. Rutherford. Few Indians were killed and few taken prisoners, but the towns were burned and the buildings, crops and stock of the enemy very generally destroyed, leaving them in a starving condition. In this expedition of Gen. Rutherford from thirty to forty Cherokee towns were destroyed. The route pursued by this army has since been known as "Rutherford's Trace." While these movements were in progress an army under Col. William Christian, of Virginia, was marching into the heart of the Cherokee country to avenge the ravages of that nation on the settlements on the Watauga, Holston and Clinch. By the 1st of August several companies had assembled at the place of rendezvous, the Great Island of Holston. Soon afterward Col. Christian was re-enforced by about 400 North Carolina militia under Col. Joseph Williams, Col. Love and Maj. Winston. This entire army took up its march for the Cherokee towns, about 200 miles distant. Crossing the Holston at Great Island they marched eight miles and encamped at Double Springs, on the head waters of Lick Creek. Here the army was joined by a force from Watauga, by which its strength was augmented to 1,800 men, armed with rifles, tomahawks, and butcher knives, all infantry except one company of light horse. Sixteen spies were sent forward to the French Broad, across which the Indians had boasted no white man should go. At the encampment that night, near the mouth of Lick Creek, Alexander Hardin informed Col. Christian that at the French Broad were assembled 3,000 Indians prepared to dispute his passage. Hardin was ordered into camp

with the spies, who, at the head of the Nollichucky, found the camps of the enemy deserted, but affording evidence that the Indians were in the neighborhood in large numbers. Col. Christian sent Hardin forward to inform the Indians that he would cross not only the French Broad, but also the Tennessee before he returned. As they came down Dumlplin Creek they were met by a trader named Fallen with a flag of truce, of whom no notice was taken, in consequence of which he returned immediately and informed the Indians that the whites, as numerous as the trees of the forest, were marching into their country.

Having arrived at the river Col. Christian ordered every mess to build a good fire and make such preparations as would lead the Indians to think that he intended to remain there several days. During the night a large detachment, under great difficulties, crossed the river near where Brabson's mill afterward stood and passed up the river on its southern bank. Next morning, when the main army crossed the river near the Big Island, marching forward in order of battle, they momentarily expected an attack from the Indians, but, to their surprise, found no trace of even a recent camp. It was afterward learned that after the departure of Fallen to meet Col. Christian with his flag of truce, another trader, by the name of Starr, who was in the Indian encampment, made a very earnest speech to the Indians, saying to them in effect that the Great Spirit had made the one race of white clay and the other of red: that he intended the former to conquer the latter; that the pale face would certainly overcome the red man and occupy his country; that it was useless, therefore, to resist the onward movements of the white man, and advised an immediate abandonment of their purpose of defense, as that could only result in defeat. A retreat was made at once to their villages and to the fastnesses of the mountains. The next morning the army under Col. Christian resumed its march along the valley of Boyd's Creek, and down Ellejoy to Little River, thence to the Tennessee, and on the march not an Indian was to be seen, but it was expected that on the opposite side of the Tennessee a formidable resistance would be made. Here also they were disappointed, for crossing the Little Tennessee they took possession of a town called Tamotlee, above the mouth of Tellico River, and encamped in the deserted village. Next morning Great Island was taken without resistance, a panic having seized the Cherokee warriors, not one of whom could be found. But they were not for this reason to go unpunished. Their deserted towns and villages were burned and laid waste, as Neowce, Tellico and Chilhowee and others. Occasionally a solitary warrior was seen making his way from one town to another, but no one was taken prisoner. Such towns, however, as were known not to



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JAMES ROBERTSON

have consented to hostilities, as Chota, were not destroyed. This course was pursued by Col. Christian to convince the Indians, the Cherokees, that he was at war only with enemies. Sending out a few men with flags of truce requesting a talk with the chiefs, six or seven of them immediately came in, and in a few days several others came forward and proposed a cessation of hostilities. This was granted to take effect when a treaty should be made with the whole tribe, which was to assemble the succeeding May on Long Island. A suspension of hostilities followed, applicable to all the Cherokee towns but two, which were high up in the mountains on Tennessee River. These were reduced to ashes because they had burned a prisoner named Moore, taken some time previously near Watauga. Col. Christian's troops, having conquered a peace, returned to the settlement.

But a part of the Cherokee nation was still hostile, panted for revenge and resolved not to participate in the contemplated treaty. However two separate treaties were made, one at Dewitt's Corner, between the Indians and commissioners from South Carolina; the other at Long Island, between several chiefs of the Overhill Towns, and Col. Christian and Col. Evan Shelby, commissioners from Virginia, and Waightstill Avery, Joseph Winston and Robert Lanier from North Carolina. By the former large cessions of territory were made on the Saluda and Savannah Rivers, and by the latter Brown's line was agreed upon as the boundary between the Indians and the settlements, and the Cherokees released lands as low down the Holston River as the mouth of Cloud's Creek, but the Chickamaugas refused to join in the treaty. At this treaty, made at Fort Henry, on the Holston River, near Long Island, July 20, 1777, between North Carolina and the Overhill Indians, the following among other articles were agreed upon:

ARTICLE I. That hostilities shall forever cease between the said Cherokees and the people of North Carolina from this time forward, and that peace, friendship and mutual confidence shall ensue.

By the second article all prisoners and property were to be delivered up to the agent to be appointed to reside among the Cherokees, and by the third article no white man was permitted to reside in or pass through the Overhill towns without a certificate signed by three justices of the peace of North Carolina, or Washington County, Va., the certificate to be approved by the agent. Any person violating this article was to be apprehended by the Cherokees and delivered to the said agent, whom they were to assist in conducting such person to the nearest justice of the peace for adequate punishment, and the Cherokees were authorized to apply to their own use the effects of such person so trespassing. Ar-

ticle fourth provided for the punishment of murderers, both Indians and white men, and article fifth defined the boundary line as follows:

"That the boundary line between the State of North Carolina and the said Overhill Cherokees shall forever hereafter be and remain as follows: Beginning at a point in the dividing line which during this treaty hath been agreed upon between the said Overhill Cherokees and the State of Virginia, where the line between that State and North Carolina, hereafter to be extended, shall cross or intersect the same; running thence a right line to the north bank of Holston River at the mouth of Cloud's Creek, being the second creek below the Warrior's Ford at the mouth of Carter's Valley; thence a right line to the highest point of a mountain called the High Rock or Chimney Top; thence a right line to the mouth of Camp Creek, otherwise called McNamee's Creek on the south bank of Nollichucky River, about ten miles or thereabouts, below the mouth of Great Limestone, be the same more or less, and from the mouth of Camp Creek aforesaid, a southeast course into the mountains which divide the hunting grounds of the Middle Settlements from those of the Overhill Cherokees. And the said Overhill Cherokees, in behalf of themselves, their heirs and successors, do hereby freely in open treaty, acknowledge and confess that all the lands to the east, northeast and southeast of the said line, and lying south of the said line of Virginia, at any time heretofore claimed by the said Overhill Cherokees, do of right now belong to the State of North Carolina, and the said subscribing chiefs, in behalf of the said Overhill Cherokees, their heirs and successors, do hereby in open treaty, now and forever, relinquish and give up to the said State, and forever quit claim all right, title, claim and demand of, in and to the land comprehended in the State of North Carolina, by the line aforesaid."

This treaty was signed by Waightstill Avery, William Sharpe, Robert Lanier and Joseph Winston, on the part of North Carolina, and by the following chiefs and warriors, each one making his mark: Oconostota. The Old Tassel, The Raven, Willanawaw, Ootosseteh, Attusah, Abram of Chilhowee, Rollowch, Toostooch, Amoyah, Oostossetih, Tillehaweh. Queeleekah, Annakelinjah, Annacekah, Skehtukah, Attakullakulla. Ookoonekah, Kataquilla, Tuskasah and Sunnewauh. Witnesses, Jacob Womack, James Robins, John Reed, Isaac Bledsoe, Brice Martin and John Kearns. Interpreter, Joseph Vann.

The negotiations and details of this treaty of Holston, which commenced on the 30th of June and was concluded on the 20th of July, are of unusual interest, but too numerous and requiring too much space to be introduced into this work. And while much was hoped from the friendly and yielding disposition of the large number of chiefs and warriors in

attendance, yet as some distinguished chiefs were absent, peace and tranquillity could not be considered as absolutely assured before the views and intentions of these absent chiefs were known. Judge Friend, the Dragging Canoe, the Lying Fish and Young Tassel were among the absent ones. Dragging Canoe was chief of the Chickamaugas, who remained dissatisfied in part, at least, as the result of British intrigue. In order to counteract so far as practicable the influence of the British agents, Gov. Caswell directed that a superintendent of Indian affairs reside among them, and the North Carolina commissioners appointed Capt. James Robertson to that important position. Capt. Robertson carried, as a present from Gov. Caswell, a dog to the Raven of Chota, proposing and hoping for peace. Swanucah and some of the more aged chiefs were disposed to peace, but they were unable to suppress the warlike spirit of the Dragging Canoe and his hostile tribe.

Some years previous to the time at which we have now arrived certain families from West Virginia, desiring to reach west Florida, built boats on the Holston, and following that stream and the Tennessee reached the lower Mississippi by water. They were obliged to employ Indians and Indian traders as guides. Occasionally a boat was wrecked between the Chickamauga towns and the lower end of the Muscle Shoals, and then its crew became an easy prey to the Indians whose settlements were extending along the rapids from year to year. The Chickamaugas were the first to settle in this locality, and usually failed to attend treaties of peace held by other portions of the Cherokee nations, and hence did not consider themselves bound by treaty stipulations entered into by the other portions of the nation. Leaving their towns near Chickamauga they moved lower down and laid the foundations of the five lower towns—Running Water, Nickajack, Long Island Village, Crow Town and Look Out. These towns soon became populous and the most formidable part of the Cherokee nation. Here congregated the worst men from all the Indian tribes, and also numerous depraved white men, all of whom for a number of years constituted the “Barbary Powers of the West.” They were a band of reckless, lawless banditti of more than 1,000 warriors. Having refused the terms of peace proffered by Col. Christian, having committed numerous atrocities upon the frontier, and being the central point from which marauding expeditions radiated for murderous and all criminal purposes, it was determined to invade their country and destroy their towns. A strong force was therefore ordered into the field by Virginia and North Carolina under the command of Col. Evan Shelby, whose name is familiar to all Tennesseans in connection with the defense of the pioneers against the savages. Col. Shelby’s force consisted of

1,000 volunteers from these two States, and a regiment of twelve months' men under Col. John Montgomery, this regiment having been raised as a re-enforcement to Gen. George Rogers Clarke in his expedition to Kaskaskia, Vincennes, etc., but was temporarily diverted from that purpose to assist in the reduction of the Chickamaugas. This expedition was fitted out on the individual responsibility of Isaac Shelby. The army rendezvoused at the mouth of Big Creek, a few miles above the present location of Rogersville. From this rendezvous, having made canoes and pirogues, the troops descended the Holston as rapidly as possible, and reaching the Chickamauga towns took them completely by surprise. Upon discovering the approach of Col. Shelby's command the Indians fled in all directions to the woods and mountains without giving battle, pursued by Shelby, and losing in killed at the hands of his command upward of forty of their warriors, most of their towns being destroyed, and about 20,000 bushels of corn being captured. They also lost about \$20,000 worth of stores and goods. This success of Col. Shelby was very fortunate, as it prevented Gov. Hamilton, of Canada, from forming a grand coalition of all the northern and southern Indians, to be aided by British regulars in a combined attack upon the settlers on the western waters.

After the battle of King's Mountain, in which Tennessee officers and soldiers bore such an honorable and conspicuous part, Col. John Sevier became apprehensive of an outbreak from the Cherokees, in the absence of so many men and arms, and sent home Capt. Russell to guard the frontier settlers. Information was brought in by two traders, Thomas and Harlin, that a large body of Indians was on the march to assail the frontier, but before the attack was made Col. Sevier himself, with his vigorous troops, arrived at home in time to assist in repelling the attacks of the Indians. Without losing any time Sevier set on foot an offensive expedition against the Cherokees, putting himself at the head of about 100 men and setting out in advance of the other troops. Coming upon a body of Indians he pursued them across French Broad to Boyd's Creek, near which he drew on an attack by the Indians. Sevier's command was divided into three divisions—the center under Col. Sevier, the right wing under Maj. Jesse Walton, and the left wing under Maj. Jonathan Tipton. The victory won here by Sevier was decisive. The Indians lost twenty-eight in killed and many wounded, who escaped being taken prisoners. Of the white troops none were killed and only three seriously wounded. This rapid expedition saved the frontier from a bloody invasion, as the Indian force which he thus broke up was large and well armed.

A few days after this repulse of the enemy Col. Sevier's little

army was re-enforced by the arrival of Col. Arthur Campbell with his regiment from Virginia and by Maj. Martin with his troops from Sullivan County. He then had at his command a body of about 700 mounted men. With this force he crossed Little Tennessee three miles below Chota, while the main body of the Indians were lying in wait for him at the ford one mile below Chota. The Indians were so disconcerted by his crossing at the lower ford instead of at the upper, and so overawed by the imposing array of so large a body of cavalry, that they made no attack, but instead, upon his approach, hastily retreated and escaped. The troops pushed on to Chota and proceeded to reduce Chilhowee, eight miles above. Every town between the Little Tennessee and the Hiwassee was reduced to ashes. The only white man killed in this expedition was Capt. Elliott, of Sullivan County. Near to Hiwassee, after it was burned, an Indian warrior was captured, and by him a message was sent to the Cherokees proposing terms of peace. At Tellico the army was met by Watts and Noonday who were ready to make terms. After passing Hiwassee Town the army continued its march southwardly until it came near the Chickamauga, or Look Out Towns, where they encamped, and next day marching into them found them deserted. They proceeded down the Coosa to the long leafed or yellow pine and cypress swamp, where they began an indiscriminate destruction of towns, houses, grain and stock, the Indians fleeing precipitately before them. Returning to Chota they held a council with the Cherokees which lasted two days. A peace was here agreed upon, after which the army, crossing near the mouth of Nine Mile Creek, returned home.

The Cherokees, notwithstanding their repeated failures and chastisements, were still unable to repress their deep passion for war and glory and strong love of country, which continued to further aggression and hostility. They still prowled around the remote settlements committing theft and murder. Col. Sevier, therefore, in March, 1781, collected together 130 men and marched with them against the Middle Settlements of the Cherokees, taking by surprise the town of Tuckasejah, on the head waters of Little Tennessee. Fifty warriors were slain, and fifty women and children taken prisoners. About twenty towns and all the grain and corn that could be found were burned. The Indians of the Middle Towns were surprised and panic stricken, and consequently made but a feeble resistance. During the summer a party of Cherokees invaded the settlements then forming on Indian Creek; and Gen. Sevier, with a force of 100 men, marched from Washington County, crossed Nollichucky, proceeded to near the site of the present town of Newport, on French Broad, crossed that river, and also the Big Pigeon, and unexpectedly fell upon the trail

of the Indians, surrounded their camp, and by a sudden fire killed seventeen of them, the rest escaping. This was on Indian Creek, now in Jefferson County.

In the spring of 1782 settlements were formed south of the French Broad. Of this intrusion the Cherokees complained, and Gov. Martin wrote to Col. Sevier in reference thereto, asking him to prevent the encroachments complained of, and to warn the intruders off the lands reserved to the Indians, and if they did not move off according to warning he was to go forth with a body of militia and pull down every cabin and drive them off, "laying aside every consideration of their entreaties to the contrary."

Notwithstanding the efforts of a part of the Cherokee nation in the interest of peace, it continued impossible to restrain the majority of the warriors. They could plainly see that the white man was steadily encroaching upon their hunting grounds and reservations, and that there was no remedy, at least there was no remedy but war. Treaty lines were but a feeble barrier against the expansive force of the settlements. Unless this feeble barrier could be made as strong as the famous Chinese wall, and as the Raven expressed it at the treaty of Holston, be as "a wall to the skies," it would not be out of the power of the people to pass it; and so long as it was not out of their power to pass it it served only as a temporary check upon their advance, and as a means of tantalizing the red proprietors of the soil into a false sense of security of possession, of raising his hopes of retaining the beautiful and beloved home of his ancestors, only to dash them cruelly to the ground in a few short weeks or months at most. Even the Indians most peacefully disposed complained that there was no line drawn according to promise in former treaties which should serve as a boundary between the two races. However, in May, 1783, the western boundary of North Carolina was fixed by the Legislature of that State as follows:

"Beginning on the line which divides this State from Virginia, at a point due north of the mouth of Cloud's Creek; running thence west to the Mississippi; thence down the Mississippi to the thirty-fifth degree of north latitude; thence due east until it strikes the Appalachian Mountains; thence with the Appalachian Mountains to the ridge that divides the waters of the French Broad River and the waters of the Nollichucky River; and with that ridge until it strikes the line described in the act of 1778, commonly called Brown's Line; and with that line and those several water-courses to the beginning."

There was reserved, however, a tract for the Cherokee hunting grounds as follows:

"Beginning at the Tennessee River where the southern boundary of North Carolina intersects the same, nearest the Chickamauga Towns; thence up the middle of the Tennessee and Holston Rivers to the middle of French Broad River, which lines are not to include any islands in said river, to the mouth of Big Pigeon River; thence up the same to the head thereof; thence along the dividing ridge between the waters of Pigeon River and Tuskejah River to the southern boundary of this State."

About this time occurred the unfortunate killing of Untoola, or Gun Rod of Citico, a Cherokee chief, known to the whites as Butler. It was when attempts were being made to revive peaceful relations between the white and Indian populations. The aged and wise among the Cherokees could clearly see the futility of continuing hostilities with the whites, and their councils had at length prevailed over the inconsiderateness and rashness of the young men and warriors. But Butler was one of the chiefs who was opposed to peace, and when he heard of the presence of Col. James Hubbard and a fellow soldier, who were in the Cherokee country for the purpose of trafficking for corn and other necessities, he, in company with a brave who still adhered to his fortunes, went forth to meet Col. Hubbard, against whom, according to Indian ideas of honor, he had special reasons for enmity, and attempted to put him out of the way. After meeting Hubbard, and maneuvering for some time to gain the advantage of position, Butler suddenly, and as quick as lightning, raised his gun and fired upon Col. Hubbard, the ball passing between his head and ear, grazing the skin and slightly stunning him; Butler and his attendant brave suddenly turned their horses' heads and galloped rapidly away. Recovering himself Col. Hubbard seized his rifle, which he had leaned against a tree for the purpose of convincing Butler of his peaceful intentions, fired upon him when at a distance of about eighty yards, hitting him in the back and bringing him to the ground. Approaching the wounded Indian hard words passed between the two, and at length Col. Hubbard, unable to longer bear the taunts and insults of Butler, clubbed his gun and killed him at a single blow. The companion of Butler, inadvertently permitted to escape, carried the news of Butler's death and the manner of it to the Cherokee nation, and they in retaliation committed many acts of revenge and cruelty, notwithstanding Gov. Martin made every reasonable effort to preserve the peace. The Governor was informed that Col. Hubbard had killed Untoola, or Butler, without any provocation, and sent a conciliatory "talk" to the Cherokees. He also sent a letter to Gen. Sevier informing him that he had given directions for the apprehension of Hubbard and his retention in jail until such time as a trial should be obtainable.

Besides the killing of Butler the Cherokees had other causes for dissatisfaction. The limits set by the Franklin treaties had not been, because they could not be, observed by the settlers. The consequences of these continual encroachments was that it was thought necessary by Congress that a treaty should be held under the authority of the United States. In order to hold and establish such a treaty Benjamin Hawkins, Andrew Pickens, Joseph Martin and Lachlin McIntosh were appointed government commissioners. By these commissioners the chiefs of the respective towns were invited to a conference at Hopewell on the Keowee in South Carolina. This treaty of Hopewell was concluded November 28, 1785. By it the boundary which had been the chief cause of complaint by the Indians was made to conform very nearly to the lines of the deed to Henderson & Co. and the treaty of Holston in 1777. The fourth article of this treaty fixing the boundary was as follows:

ARTICLE 4. The boundary allotted to the Cherokees for their hunting grounds between the said Indians and the citizens of the United States within the limits of the United States of America is, and shall be the following, viz.: Beginning at the mouth of Duck River on the Tennessee; thence running northeast to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge to a northeast line to be run which shall strike the river Cumberland forty miles above Nashville; thence along the said line to the river; thence up the said river to the ford where the Kentucky road crosses the river; thence to Campbell's line near the Cumberland Gap; thence to the mouth of Cloud's Creek on Holston (River); thence to the Chimney-top Mountain; thence to Camp Creek near the mouth of Big Limestone on Nollichucky; thence a southerly course six miles to a mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary and along the same southwest over the top of the Oconee Mountain till it shall strike Tugalo River; thence a direct line to the top of the Currahee Mountain; thence to the head of the south fork of Oconee River.

It was also provided in the articles of treaty that if any citizen of the United States should settle within the above described Indian domain, and would not remove within six months after the conclusion of the treaty, he should forfeit all rights of protection from the Government; and it was further provided that all Indians committing murders or other crimes should be surrendered to the authorities of the Government for trial, and all white persons committing crimes against the Indians should be punished as if such crimes had been committed against white citizens; that the United States had the sole right of regulating trade with the Indians; that the Indians should have the right to send a deputy to Congress; that the punishment of the innocent under the idea of retaliation was unjust and should not be practiced by either party, and that the hatchet should be forever buried and friendship be universal. The witnesses who signed the articles were William Blount, Maj. Samuel Taylor, John Owen, Jesse Walton, Capt. John Cowan, Thomas Gregg, W.

Hazzard, James Madison (intrepreter), and Arthur Coody (interpreter). The Indians were represented by the following chiefs, who made their marks to the articles: Koatohee, or Corn Tassel, of Toquo; Scholanetta, or Hanging Man of Chota; Tuskegatahue, or Long Fellow, of Chistohee; Ooskwha, or Abraham, of Chilhowee; Kolacusta, or Prince, of North; Newota, or the Gritz, of Chickamauga; Konatota, or the Rising Fawn, of Hiwassee; Tuckasee, or Young Terrapin, of Ellejoy; Toostakka, or the Waker, of Oostanawa; Untoola, or Gun Rod, of Citico; Unsuo-kanil, or Buffalo White Calf, "New Cussee;" Kostayeck, or Sharp Fellow, Watauga; Chonosta, or Cowe; Cheskoonhoo, or Bird in Close, of Tomotlee; Tuckassee, or Terrapin, of Hightower; Chesetoah, or the Rabbit, of Flacoa; Chesecotetona, or Yellow Bird, of the Pine Log; Sketaloska, or Second Man, of Tellico; Chokasatabe, or Chickasaw Killer, Tosonta; Onanoota, of Koosoati; Ookoseeta, or Sour Mush, of Kooloque; Umatooeetha, of Lookout Mountain; Tulco, or Tom, of Chatauga; Will, of Akoha; Necatee, of Sawta; Amokontakona, or Kutcloa; Kowetatabee, of Frog Town; Keukuch, of Talkoa; Tulatiska, of Choway; Wooo-looka, the Waylayer, of Chota; Tatlausta, or Porpoise, of Talassee; John, of Little Tellico; Skeleelack; Akonalucta, the Cabin; Cheanoka, of Kawetatak, and Yellow Bird.

This treaty was signed with great unanimity by the chiefs of the Cherokees, as well it might be considering what they gained. A glance at the map of the State will show that the United States commissioners set aside the treaty made by North Carolina in that State (if that can be called a treaty in which the Indians had no voice) so far as to recede to the Cherokees nearly all of the territory in this State between the Cumberland and Tennessee Rivers except that north of the mouth of Duck River. The surrender of this territory was made to conciliate the Cherokees, but it failed of permanent influence for peace, and gave great dissatisfaction to the border settlers, whose boundaries were thereby very much contracted. William Blount, then in Congress from North Carolina, gave it all the opposition in his power, arguing that Congress had no authority to make a treaty which was repugnant to the laws of North Carolina concerning lands within her limits.

This view, however, seems not to have obtained in Congress, for within three months from the time of the conclusion of this treaty with the Cherokees, a treaty was concluded January 10, 1786, between the same commissioners, with the exception of Mr. McIntosh, and the Chickasaw nation, by which their boundaries were for the first time definitely fixed. The following were the boundaries established between the Chickasaws and the United States:

Beginning on the ridge that divides the waters running into the Cumberland from those running into the Tennessee, at a point on a line to be run northeast, which shall strike the Tennessee at the mouth of Duck River; thence running westerly along the said ridge till it shall strike the Ohio; thence down the southern banks thereof to the Mississippi; thence down the same to the Choctaw line of Natchez district; thence along the said line to the line of the district eastwardly as far as the Chickasaws claimed and lived and hunted on November 29, 1782; thence the said boundary eastwardly shall be the lands allotted to the Choctaws and Cherokees to live and hunt on and the lands at present in the possession of the Creeks, saving and reserving for the establishment of a trading post a tract or parcel of land to be laid out at the lower post of the Muscle Shoals at the mouth of Ocochappo, in a circle, the diameter of which shall be five miles on the said river, which post and the lands annexed thereto, shall be to the use and under the Government of the United States of America.

The usual provisions concerning prisoners, criminals, stolen horses, Indian trade, etc., were established. This treaty was signed by Benjamin Hawkins, Andrew Pickens and Joseph Martin, commissioners on the part of the United States, and by Piomingo, head warrior and first minister of the Chickasaw nation; Mingatushka, one of the leading chiefs, and Latopoya, first beloved man of the nation. Not long after the conclusion of the treaty of Hopewell with the Cherokees, an attack was made by some Indians belonging to this nation on some settlers on the Holston. Mr. Biram's house was attacked and two men killed. A few of the settlers hastily erected temporary defenses, while the others fell back upon the settlements above. To again check these atrocities, Gen. Sevier adopted the policy so frequently pursued by him with salutary effect, viz.: that of suddenly penetrating with a strong force into the heart of the Cherokee country. This invasion of Gen. Sevier resulted in the killing of fifteen warriors and of the burning of the valley towns, and although the pursuit from motives of military expediency was abandoned, yet it had the effect of preventing aggressions for some considerable time. Yet further measures of conciliation were not considered unwise by either North Carolina or the State of Franklin which had been in operation about two years. The former State sent Col. Joseph Martin into the Cherokee nation on a tour of observation. Col. Martin on his return wrote Gov. Caswell, May 11, 1786, to the effect that affairs were not yet by any means in a settled condition, that two or three parties of Cherokees had been out on an expedition to secure satisfaction for the murder, by a Mr. McClure and some others, of four of their young men; that these parties had returned with fifteen scalps and were satisfied to remain at peace if the whites were, but if they wanted war they could have all of that they might want; that there were great preparations making among the Creeks, instigated as he believed by the French and Spaniards for an expedition against the settlers on the Cumberland.

Gov. Sevier, in order if possible to maintain peace between his State and the Indians, appointed commissioners to negotiate another treaty with the Cherokees, the commissioners being William Cocke, Alexander Outtaw, Samuel Wear, Henry Conway and Thomas Ingle. Negotiations were begun at Chota Ford July 31, 1786, and concluded at Coyatee August 3. The chiefs who conducted the negotiations were Old Tassel and Hanging Maw. The proposition made to the Indians was that if the Cherokees would give up the murderers among them, return the stolen horses, and permit the whites to settle on the north side of the Tennessee and Holston, as they intended to do at any rate, the whites would live at peace with them and be friends and brothers. The land claimed in this treaty was the island in the Tennessee at the mouth of the Holston, and from the head of the island to the dividing ridge between Holston, Little River and Tennessee to the Blue Ridge and the lands sold to them by North Carolina on the north side of the Tennessee. These terms were agreed to and the treaty signed by the two chiefs named above.

During the existence of the State of Franklin the Cherokees were comparatively quiet, having a wholesome dread of the courage and ability of Gov. Sevier; but with the fall of the Franklin government they began again to manifest a desire to renew hostilities, and an Indian invasion was regarded as imminent. Messengers were therefore sent to Gen. Sevier, who was in the eastern part of the Territory, who, after his failure at the siege at Tipton's house, was immediately himself again, and at the head of a body of mounted men upon the frontier ready, as of old to guard and protect its most defenseless points. On July 8, 1788, Gen. Sevier and James Hubbert, one of his old Franklin officers, issued an address to the inhabitants in general recommending that every station be on its guard, and also that every good man that could be spared report to Maj. Houston's station to repel the enemy if possible.

Just before Gen. Sevier started out on this expedition a most atrocious massacre occurred of the family of a Mr. Kirk, who lived about twelve miles from Knoxville, on the southwest side of Little River. During the absence of Mr. Kirk from home, an Indian named Slim Tom, who was well known to the family, approached the house and asked for something to eat. After being supplied he withdrew, but soon returned with a party of Indians, who fell upon and massacred the entire family, leaving them dead in the yard. Not long afterward Mr. Kirk returned, and, seeing the horrible condition of his dead family, immediately gave the alarm to the neighborhood. The militia, under command of Sevier, assembled to the number of several hundred, and severely punished the Indians in several portions of the Territory, though they generally fled

before the troops to the mountains. A friendly Indian by the name of Abraham lived with his son on the south side of the Tennessee. When the troops came to the south side of the river opposite Abraham's house, they sent for him and his son to cross over to them, and afterward Abraham was sent to bring in the Tassel and another Indian, that a talk might be held with them, a flag of truce being also displayed to assure the Indians of their peaceful intentions. The Indians, when they had crossed the river under these conditions and assurances, were put into a house. Gen. Sevier being absent on business connected with his command, young Kirk, a son of the man whose family had just before been massacred, was permitted to enter the house with tomahawk in hand, accompanied by Hubbard. There Kirk struck his tomahawk into the head of one of the Indians, who fell dead at his feet, the troops looking in through the window upon the deed. The other Indians, five or six in number, immediately understood the fate in store for them, and bowing their heads and casting their eyes to the ground, each in turn received the tomahawk as had the first, and all fell dead at the feet of young Kirk, the avenger. Thus was committed an act as base and treacherous as any ever committed by the red man. Gen. Sevier returning, learned of the commission of this crime, saw at a glance what must be the inevitable effects of the rash act, and remonstrated with young Kirk for the cruel part he had played, but was answered by him that if he (Sevier) had suffered at the hands of the murderous Indians as he had done, he would have acted in the same way. Kirk was sustained by a number of the troops, and Sevier was obliged to overlook the flagitious deed.

The massacre of Kirk's family was followed by that of many others. A man named English was killed near Bean's Station, and also James Kirkpatrick. Some were killed near Bull Run, others north of Knoxville, and many others on the roads to Kentucky and West Tennessee. Capt. John Fayne, with some enlisted men, and Capt. Stewart, who had been sent to Houston's Station, were sent out to reconnoiter the adjacent country. They crossed the Tennessee and entered an apple orchard to gather some fruit. Some Indians lying in wait suffered them to march into the orchard without molestation, and then while they were gathering the fruit fell upon them and drove them into the river, killing sixteen, wounding four and taking one prisoner. This massacre occurred near a town named Citico. The killed were afterward found by Capt. Evans, horribly mutilated, and by him buried. The war was continued for several weeks with success to the south of the Tennessee, and finally the troops returned home.

The events above narrated mainly occurred in the eastern part of this

State. An attempt will now be made to relate as succinctly as may be, and yet with a sufficiency of detail, similar events that had been for some years simultaneously occurring upon the Cumberland. The proximity of the Chickasaws to the settlements on the Cumberland had been cause for serious apprehension; yet, notwithstanding this, the first attack upon them was made by the Creeks and Cherokees. This was in the year 1780, and was made, not by a large force of Indians in battle array, but by small parties upon individuals or small parties of white men. In April of that year the Indians killed an elder and younger Milliken, Joseph Bernard, Jonathan Jennings, Ned Carver and William Neely, all in the vicinity of Nashville; at Eaton's Station, James Mayfield; at Mansker's Lick, Jesse Ballentine, John Shockley, David Goin and Risby Kennedy; at Bledsoe's Lick, William Johnson; at Freeland's Station, D. Larimer, and near Nashville, Isaac Lefevre, Solomon Phillips, Samuel Murray and Bartlett Renfroe. About this time occurred the massacre at Battle Creek, in Robertson County, recited in detail in the history of that county. The Indians engaged in this massacre were Chickasaws, and the reason given by them for its commission was that Gen. George Rogers Clarke had that year built Fort Jefferson, eighteen miles below the mouth of the Ohio, on the east side of the Mississippi. All the territory west of the Tennessee River they claimed, and they were especially offended at Gen. Clarke's intrusion, upon which they became the allies of the English. Isolated cases of murder were numerous for years in these settlements, the names of the killed being generally reserved for insertion in the histories of the counties in which the murders occurred, in order to avoid unnecessary repetition. In April, 1781, a determined attack was made by a numerous body of Cherokees on the fort at the Bluff, and nineteen horsemen, who sallied forth to drive them off, were defeated with a loss of seven killed, four wounded and some of their horses stolen. At this battle occurred the famous onset of the dogs upon the Indians, an anomaly in warfare, and which enabled nearly all of those not killed to regain the fort in safety. Mrs. Robertson, who directed the guard to let slip the dogs, pertinently remarked that the Indians' fear of dogs and love of horses proved the salvation of the whites on this occasion. In 1782 John Tucker, Joseph Hendricks and David Hood were fired upon at the French Lick. The first two, though wounded, escaped through the assistance of their friends. David Hood was shot down, scalped, stamped upon and left by the Indians for dead, in their chase after Tucker and Hendricks. Hood, supposing the Indians had gone, slowly picked himself up and began to walk toward the fort, but to his disappointment and dismay he saw the same Indians just before him making

sport of his misfortunes and mistake. They then made a second attack upon him, inflicting other apparently mortal wounds, and again left him for dead. He fell in a brush heap in the snow, where he lay all night. The next morning being found by his blood he was taken home and placed in an outhouse for dead, but to the surprise of all he revived and lived for many years.

The continuance, frequency and savageness of these depredations led many of the people on the Cumberland to seriously consider the propriety of breaking up the settlements and going away to Kentucky, or to some place where it was hoped they might live in peace. Gen. Robertson earnestly opposed the plan, as it was impossible to get to Kentucky, and equally so to reach the settlements on the Holston. The only plan which contained an element of practicability was to go down the river to Illinois, and even to the execution of this plan there seemed insuperable obstacles, the principal one being to build the boats. This could not be done without timber; the timber was standing in the woods, and the woods were full of Indians.

In 1783, after further ravages by the Chickasaws, Gen. Robertson obtained a cession from them by which they relinquished to North Carolina a region of country extending nearly forty miles south of the Cumberland to the ridge dividing the tributaries of that stream from those of the Duck and Elk Rivers. This cession, however, did not cause invasions and murders to cease. Instigated by the Spaniards at a conference held at Walnut Hills, they returned to the settlements evidently with the renewed determination to kill as many of the settlers as possible. In order to neutralize the influence of the Spaniards Gen. Robertson opened a correspondence with one of the Spanish agents, a Mr. Portell, in which a mutual desire to live at peace was expressed; but the letters which passed between Gen. Robertson and Mr. Portell had apparently but little if any effect upon the minds of the Indians, whose depredations were continued through the year 1785. In 1786 was made the treaty of Hopewell with the Chickasaws, as mentioned and inserted above, by which immigration to the Cumberland was greatly encouraged and increased.

In 1787 Indian atrocities continued as numerous as before, and it became necessary for Gen. Robertson to imitate the tactics of Gen. Sevier, viz.: To carry offensive operations into the heart of the enemy's country. For this purpose a force of 130 men volunteered, of whom Gen. Robertson took command, assisted by Col. Robert Hays and Col. James Ford. At the head of this force he marched against the Indian village of Coldwater, with two Chickasaw Indians as guides. Arriving within ten miles of the Muscle Shoals he sent forward some of his most active

soldiers with one of the Chickasaw guides to reconnoiter. At 12 next day they struck the river at the lower end of the Muscle Shoals, and concealed themselves until night. After a futile attempt to capture some Indians it was determined to cross the Tennessee River that night. The soldiers who had been sent forward with the guide swam the river and went up on the opposite bank to the cabins of an Indian village, which they found empty, and securing a canoe returned to the main body on the north side of the river. On account of the leaky condition of the canoe it was impossible to get across the river before daylight next morning. A heavy rain coming on forced the men into the cabins until it was over, and when the clouds cleared away they followed a well beaten path leading toward the west. At the distance of about six miles they came to Coldwater Creek, upon the opposite side of which was a number of cabins built upon low ground. The people of this village were surprised by this sudden invasion and fled precipitately to their boats pursued by such of the men as had crossed the creek. This town was occupied by the Creeks, some French traders and a white woman. In the attack upon the Indians twenty-six of the Creek warriors were killed, as were also the three Frenchmen and the white woman. A large quantity of stores was secured in the town, and afterward the town itself was burned down and the domestic animals destroyed. Each of the Chickasaw Indian guides was presented with a horse, a gun and as many blankets and clothes as his horse could carry, and sent home. After disposing of the prisoners and goods, most of the latter being taken to Eaton's Station, sold, and the proceeds distributed among the soldiers, the soldiers were disbanded on the nineteenth day after setting out on the expedition. This invasion of the Creek country was of great benefit to the Cumberland settlement, as it gave them peace and quiet for a considerable time, and discovered to them the sources whence the Indians were obtaining their supplies. But it was not entirely without disastrous, or at least threateningly disastrous, consequences. David Hay, of Nashville, attempted to carry on simultaneously, a campaign by water against the same Indians, with the view of assisting Gen. Robertson's men, both in their warfare and in respect to supplying them with provisions in case they should be detained longer away from home than was anticipated, but unfortunately his company was led into an ambush, was attacked by the Indians and was obliged to return. Gen. Robertson's campaign came very near involving him in difficulties with the French, who were carrying on trade with the Indians from the Wabash up the Tennessee.

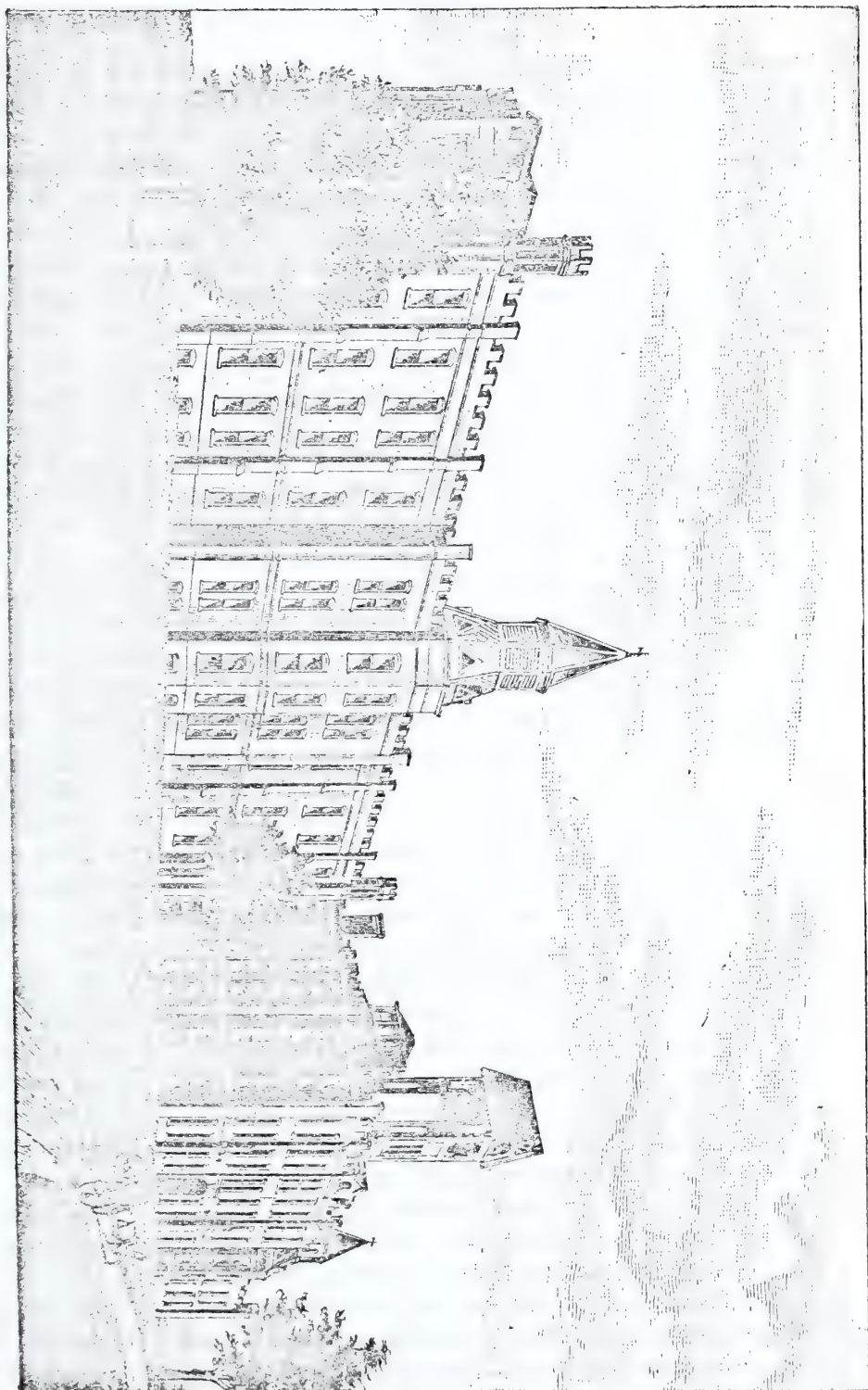
The cessation of hostilities procured by Gen. Robertson's Coldwater campaign was of but temporary duration. Capt. John Rains, a vigilant

and intrepid Indian fighter, made three successful campaigns against the Indians, and similar expeditions were made by others in every direction throughout the country. In 1788 the hostilities which still continued were committed by the Creek warriors, still under the malign influence of the Spaniards. As no settlements had been made on territory claimed by that nation, and as no acts of offensive war had been committed against Spanish colonies, it was determined to inquire into the reason for their instigation of these incursions upon the settlers. Gen. Robertson and Col. Anthony Bledsoe, therefore, addressed a joint letter to the celebrated agent of the Creeks, McGilvery. To this communication the agent replied that the Creeks, in common with other southern Indians had adhered to the British interests during the late war, that after peace was declared he had accepted proposals for friendship by the settlers, and that while these negotiations were pending, six of his nation were killed at Coldwater and their death had given rise to a violent clamor for revenge, and that the late expeditions by the Creeks had been undertaken for that purpose. But now as the affair at Coldwater had been amply retaliated he would use his best endeavors for peace. Immediately afterward, however, hostilities were renewed and Col. Anthony Bledsoe killed at the fort of his brother Isaac at Bledsoe's Lick. At this time North Carolina was unable to assist her western settlements even had she been so disposed, and in their extremity it became absolutely necessary for Gen. Robertson to forget the murder of his friend Anthony Bledsoe, and to bring into play all the arts of diplomacy of which he was possessed in order to soothe the savage breast and to beget in him a peaceful, or at least a less warlike disposition. Dissembling the resentment which the cruel murder of his friend must have caused him to feel, he wrote to McGilvery acknowledging the satisfaction caused by the receipt of his letter, seemed to extenuate the recent aggressions of the Creeks upon the settlers, and stated that he had caused a deed for a lot in Nashville to be recorded in his name. To another letter from the Creek chief he replied that the Cumberland settlers were not the people who had made encroachments upon Creek territory, and stated that the people of the Cumberland only claimed the land which the Cherokees had sold to Col. Hudson in 1775, etc.

The right to the lands of the Lower Cumberland was claimed by the Chickasaws rather than by the Cherokees at the time of the Revolutionary war. Prior to that time the former tribe lived north of the Tennessee and about fifty miles lower down that stream than the Lower (Cherokee) Towns. They ceded the Cumberland lands in 1782 or 1783 at the treaty held by Donelson and Martin.

In 1786 commissioners were appointed by Congress to treat with the

EAST TENNESSEE ASYLUM FOR THE INSANE.



Cherokees and other southern tribes. These commissioners say in their report to Richard Henry Lee, president of Congress, "that there are some few people settled on the Indian lands whom we are to remove, and those in the fork of French Broad and Holston being numerous, the Indians agree to refer their particular situation to Congress and abide by their decision." Although these persons had settled contrary to treaty stipulations entered into by Virginia and North Carolina in 1777, yet they were too numerous to order off, hence the necessity of obtaining the consent of the Cherokees to refer the matter to Congress. The same report furnishes an estimate of the number of warriors of the nations of Indians living south of the Tennessee and in reach of the advanced settlements which was as follows: Cherokees, 2,000; Creeks, 5,400; Chickasaws, 800; Choctaws, 6,000—total number, 14,200, besides remnants of the Shawanees, Uchees and other tribes. That this number of warriors was not able with the assistance of northern tribes to crush out the settlements in what is now Tennessee in that early day is very remarkable, but is doubtless due in part to determination and courage of the whites.

The year 1788 was distinguished by the unfortunate attempt of Col. James Brown to reach Nashville by the Tennessee, Ohio and Cumberland Rivers, related at such length in the chapter on settlements as to only need brief mention here in chronological order. The same year was distinguished by the campaign against the Cherokees, by the attack on Sherrell's and Gillespie's Stations.

During the administration of Gov. Blount the policy of conciliation was persistently followed in obedience to instructions and proclamations from the President of the United States, Gen. Washington. An earnest attempt was made by both the authorities of the United States, and of the "Territory of the United States south of the river Ohio," to enforce treaty stipulations, but notwithstanding all that was or could be done by both Governments, both Indians and whites disregarded and violated all the treaties they should have observed. And while it was thus demonstrated and had been from the signing of the first treaty, that treaties were only a temporary make-shift, or subterfuge, yet both Nation and State kept on making treaty after treaty with the various tribes of Indians.

In obedience to this treaty-making spirit another treaty was concluded July 2, 1791, at the treaty ground on the bank of Holston River, near the mouth of the French Broad, between the Cherokees of the one part and William Blount, governor in and for the "Territory of the United States of America south of the river Ohio," and superintendent of Indian affairs for the southern district, of the other part, whereby the following boundary between the lands of the two parties was established:

ARTICLE 4. The boundary between the citizens of the United States and the Cherokee nation is and shall be as follows: Beginning at the top of the Currahee Mountain where the Creek line passes it; thence a direct line to Tugelo River; thence northwest to the Occuuna Mountain, and over the same along the South Carolina Indian boundary to the North Carolina boundary; thence north to a point from which a line is to be extended to the river Clinch that shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence up the river Clinch to Campbell's line, and along the same to the top of the Cumberland Mountain; thence a direct line to the Cumberland River where the Kentucky road crosses it; thence down the Cumberland River to a point from which a southwest line will strike the ridge which divides the waters of Cumberland from those of Duck River, forty miles above Nashville; thence down the said ridge to a point from whence a southwest line will strike the mouth of Duck River.

It was agreed that all land lying to the right of this boundary, beginning at Currahee Mountain, should belong to the United States; and as a further consideration the Government stipulated to pay the Cherokees an annuity of \$1,000, which was increased later by an additional article to \$1,500. All prisoners were to be surrendered, criminals punished, whites settling on Indian lands to be denied the protection of the Government, whites to be granted the navigation of the Tennessee and to be permitted to use a road between Washington and Mero Districts, the Indians to be furnished with implements of husbandry, etc., etc. The witnesses signing this treaty were Daniel Smith, secretary of the Territory of the United States south of the river Ohio; Thomas Kennedy, of Kentucky; James Robertson, of Mero District; Claiborne Watkins, of Virginia; John McWhitney, of Georgia; Fauche, of Georgia; Titus Ogden, of North Carolina; John Chisholm, of Washington District; Robert King and Thomas Gregg. The official and sworn interpreters were John Thompson and James Ceery. Forty-one chiefs of the Cherokee nation were the contracting party for the Indians. The additional article of the treaty, which provided that \$1,500 instead of \$1,000 should be annually paid to the Cherokees, was agreed to between Henry Knox, Secretary of War, and seven chiefs, February 17, 1792.

In 1793 a force of 1,000 Indians, 700 of them Creeks, the rest Cherokees, under the lead of John Watts and Double Head, 100 of the Creeks being well mounted horsemen, invaded the settlements with the view of attacking Knoxville, but failing to surprise the citizens they abandoned their contemplated attack upon the town. Falling back they found it impossible to leave the country without carrying out in some degree their revengeful purposes, and so made an attack on Cavett's Station. Here after suffering a temporary repulse they proposed that if the station would surrender they would spare the lives of the inmates and exchange them for an equal number of Indian prisoners. Relying upon these promises the inmates of the station surrendered, but no sooner had they passed

the door than Double Head and his party fell upon them and put them to death, and most horribly, barbarously and indelicately mutilated their bodies, especially those of the women and children.

This daring invasion by the Creeks and Cherokees, under the celebrated chief John Watts, convinced the Federal and also the Territorial authorities that defensive warfare was of but little if any use in preventing Indian invasions. The people themselves had long been convinced of this fact, and earnestly desired a return to the tactics of Gen. Sevier. A sudden and decisive blow was loudly called for as the only means of punishment for the Indians and of defense for the settlements. Gen. Sevier was once more the man to lead in a campaign of this kind. His little army then at Ish's was re-enforced by troops under Col. John Blair for Washington District and Col. Christian for Hamilton District, and with these forces Gen. Sevier made his last campaign against the Indians. Crossing Little Tennessee, near Lowry's Ferry he came to an Indian town named Estinaula, and suffered a night attack from the Indians with the loss of one man wounded. Breaking camp in the night he went on toward Etowah, which place he succeeded in capturing after overcoming a determined resistance by the Indians under the command of King Fisher, who, however, fell in the engagement. After being defeated the Indians escaped into the secret recesses of the surrounding country, and Gen. Sevier having burned the town and becoming satisfied that further pursuit would not meet with results commensurate with the exertion demanded, countermarched and the troops returned safely to their homes. Thus terminated the last campaign of Sevier, and the first for which he received compensation from the Government. In this campaign he lost three brave men, Pruett and Weir killed in the battle, and Wallace mortally wounded.

A treaty was concluded at Philadelphia between Henry Knox, Secretary of War, and thirteen chiefs of the Cherokees, on the 26th of June, 1794, to set at rest certain misunderstandings concerning the provisions of the treaty of Holston of July 2, 1791. It was declared that the treaty of Holston should in all particulars be valid and binding, and that the boundary line then established should be accurately defined and marked. In lieu of the annuity of \$1,000 granted by the treaty of Holston in 1791, or the annuity of \$1,500 granted by the treaty of Philadelphia in 1792, the Government at this treaty of 1794 agreed to pay the annual sum of \$5,000 to the Cherokees. This treaty was attended by thirteen Cherokee chiefs. John Thompson and Arthur Coody were the official interpreters. The boundary provided in these treaties was not ascertained and marked until the latter part of 1797, by reason of which delay sev-

eral settlements of white people were established upon the Indian domain. These settlers were removed by authority of the Government, and two commissioners, George Walton, of Georgia, and Lieut.-Col. Thomas Butler, commander of the troops of the United States in the State of Tennessee, were appointed to adjust the mutual claims and rights of the white settlers and the Indians. These commissioners met thirty-nine authorized Cherokee chiefs, representing the "whole Cherokee nation," in the council house of the Indians near Tellico, October 2, 1798, and the following provisions, in substance, were mutually agreed to: The former boundaries were to remain the same with the following exception: The Cherokees ceded to the United States all the lands "from a point on the Tennessee River below Tellico Block-house, called the White Cat Rock, in a direct line to the Militia Spring near the Maryville road leading from Tellico; from the said spring to the Chilhowee Mountain by a line so to be run as will leave all the farms on Nine Mile Creek to the northward and eastward of it, and to be continued along Chilhowee Mountain until it strikes Hawkins' line; thence along the said line to the Great Iron Mountain, and from the top of which a line to be continued in a southeastwardly course to where the most southwardly branch of Little River crosses the divisional line to Tugalo River. From the place of beginning, the Wild Cat Rock, down the northeast margin of the Tennessee River (not including islands) to a point or place one mile above the junction of that river with the Clinch; and from thence by a line to be drawn in a right angle until it intersects Hawkins' line leading from Clinch; thence down the said line to the river Clinch; thence up the said river to its junction with Emery River; thence up Emery River to the foot of Cumberland Mountains; from thence a line to be drawn northeastwardly along the foot of the mountain until it intersects with Campbell's line." It was further understood that two commissioners, one to be appointed by each the Government and the Cherokee nation, were to run and mark the boundary line; that the annuity should be increased from \$5,000 to \$6,000 in goods; that the Kentucky road running between the Cumberland Mountains and the Cumberland River should be open and free to the white citizens as was the road from Southwest Point to Cumberland River; that Indians might hunt upon the lands thus ceded until settlements should make it improper; that stolen horses should be either returned or paid for, and that the agent of the Government living among the Indians should have a piece of land reserved for his use. Elisha L. Hall was secretary of the commission; Silas Dinsmore, agent to the Cherokees; Edward Butler, captain commanding at Tellico, and Charles Hicks and James Casey were interpreters.

The year 1794 was distinguished for the Nickajack expedition. The banditti Indians of the five Lower Towns on the Tennessee River continued to make attacks on the frontier settlements, and the frontiers determined to invade the towns as the only effectual means of self-defense, and of inflicting punishment upon the Indians for the injuries they had received. But as the Cumberland settlers were not of themselves strong enough to successfully undertake an expedition, they appealed to the martial spirit of Kentucky to aid them in punishing an enemy from whom they had also been frequent sufferers. Col. Whitley of Kentucky entered into the scheme. Col. James Ford, of Montgomery, raised a company from near Clarksville; Col. John Montgomery brought a company from Clarksville, and Gen. Robertson raised a company of volunteers from Nashville and vicinity.

Maj. Ore, who had been detached by Gov. Blount to protect the frontiers of Mero District, opportunely arrived at Nashville as the troops were concentrating for the Nickajack expedition, as it has ever since been known, and entered heartily into the project; Maj. Ore temporarily assumed command, and the expedition has sometimes been called "Ore's expedition." Upon the arrival of the Kentucky troops, Col. Whitley was given command of the entire force, and Col. Montgomery of the volunteers raised within the Territory.

Notwithstanding Col. Whitley having command of the little army, Gen. Robertson issued instructions to Maj. Ore, on the 6th of September, and on the next day, Sunday, the army set out upon its march. It crossed the Barren Fork of Duck River near the Stone Fort, and arrived at the Tennessee on the night of the 8th. Of the individuals present at this expedition were Joseph Brown, son of Col. James Brown, whose melancholy fate is elsewhere recorded in this work; William Trousdale, afterward governor of Tennessee, and Andrew Jackson. The troops having the next morning crossed the river, penetrated to the center of the town of Nickajack, a village inhabited by about 250 families. In this village the troops killed quite a number of warriors, and many others, while they were attempting to escape in canoes or swimming in the river. Eighteen were taken prisoners and about seventy in all were killed; but this number includes those killed in the town of Running Water as well as those killed in Nickajack. When an attack was made on two isolated houses, one of the squaws remained outside to listen. She attempted to escape by flight, but after a hard chase was taken prisoner, and carried up to the town and placed among the other prisoners, in canoes. As these were being taken down the river the squaw loosed her clothes, sprang head foremost into the river, artfully disengaged her-

self from her clothing, left them floating on the water and swam rapidly away. While thus making her escape, some of the soldiers cried out "Shoot her! shoot her!" but others admiring her activity and courage restrained those who were in favor of shooting her, by saying "No, let her escape, she is too smart to kill." With respect to the number killed, it was given to Joseph Brown some time afterward by a chief in conversation at Tellico Block-house as seventy-six.

By an act approved May 19, 1796, the following boundary between the United States and the Indian tribes for the States of Kentucky and Tennessee was ordered surveyed and definitely marked. "Beginning at a point on the highlands or ridge on the Ohio River between the mouth of the Cumberland and the mouth of the Tennessee River; thence easterly along said ridge to a point from whence a southwest line will strike the mouth of Duck River;* thence still easterly on the said ridge to a point forty miles above Nashville; thence northeast to the Cumberland River; thence up the said river to where the Kentucky road crosses the same; thence to the top of Cumberland Mountain; thence along Campbell's line to the river Clinch; thence down the said river to a point from which a line shall pass the Holston at the ridge which divides the waters running into Little River from those running into the Tennessee; thence south to the North Carolina boundary."

At a treaty held at the Chickasaw Bluffs, October 24, 1801, between Brig.-Gen. James Wilkinson, Benjamin Hawkins, of North Carolina, and Andrew Pickens, of South Carolina, "and the Mingo, principal men and warriors of the Chickasaw nation," permission was given the United States to lay out and cut a wagon road between the settlements of the Mero District in Tennessee and those of Natchez on the Mississippi River. It was agreed that \$700 should be paid the Indians to compensate them for furnishing guides and assistance. Seventeen Chickasaw chiefs signed the articles of the treaty.

A treaty was held at Tellico, October 25, 1805, between Return Jonathan Meigs and Daniel Smith on the part of the United States, and thirty-three chiefs on the part of the Cherokees, by which the Indians ceded all their land north of the following boundary: "Beginning at the mouth of Duck River; running thence up the main stream of the same to the junction of the fork, at the head of which Fort Nash stood, with the main south fork; thence a direct course to a point on the Tennessee River bank opposite the mouth of Hiwassee River. If the line from Hiwassee should leave out Field's settlement, it is to be marked round this improvement and then continue the straight course; thence up the middle of

* See treaty with the Chickasaws, January 10, 1786.

the Tennessee River (but leaving all the islands to the Cherokees) to the mouth of Clinch River; thence up the Clinch River to the former boundary line agreed upon with the said Cherokees, reserving, at the same time, to the use of the Cherokees, a small tract lying at and below the mouth of Clinch River; thence from the mouth extending down the Tennessee River (from the mouth of Clinch) to a notable rock on the north bank of the Tennessee, in view from Southwest Point; thence a course at right angles with the river to the Cumberland road; thence eastwardly along the same to the bank of Clinch River so as to secure the ferry landing to the Cherokees up to the first hill and down the same to the mouth thereof together with two other sections of one square mile each, one of which is at the foot of Cumberland Mountain, at and near where the turnpike gate now stands, the other on the north bank of the Tennessee River where the Cherokee Talootiske now lives. And whereas, from the present cessions made by the Cherokees, and other circumstances, the size of the garrisons at Southwest Point and Tellico are becoming not the most convenient and suitable places for the accommodation of the said Indians, it may become expedient to remove the said garrisons and factory to some more suitable place, three other square miles are reserved for the particular disposal of the United States on the north bank of the Tennessee opposite to and below the mouth of Hiwassee." In consideration of this cession the Government agree to pay the Indians \$3,000 immediately in valuable merchandise, and \$11,000 within ninety days after the ratification of the treaty and also an annuity of \$3,000 to begin immediately. The Indians, at their option, might take valuable machines for agriculture and useful domestic or hunting articles out of the \$11,000. The Government was also to have the "free and unmolested use" of two new roads "one to proceed from some convenient place near the head of Stone's River and fall into the Georgia road at a suitable place toward the southern frontier of the Cherokees; the other to proceed from the neighborhood of Franklin or Big Harpeth, and crossing the Tennessee at or near the Muscle Shoals, to pursue the nearest and best way to the settlements on the Tombigbee."

At Tellico, on the 27th of October, 1805, two days after the above treaty, the same commissioners (Meigs and Smith) concluded an additional treaty with fourteen Cherokee chiefs, the following being a portion of one of the articles of such treaty: "Whereas, it has been represented by the one party to the other, that the section of land on which the garrison of Southwest Point stands and which extends to Kingston, is likely to become a desirable place for the assembly of the State of Tennessee to convene at (a committee from that body now in session having viewed

the situation), now, the Cherokees being possessed of a spirit of conciliation, and seeing that this tract is desired for public purposes and not for individual advantages, reserving the ferries to themselves, quitclaim and cede to the United States the said section of land, understanding, at the same time, that the buildings erected by the public are to belong to the public, as well as the occupation of the same, during the pleasure of the Government. We also cede to the United States the first island in the Tennessee above the mouth of Clinch [River].”

It was also agreed that mail which had been ordered to be carried from Knoxville to New Orleans through the Cherokee, Creek and Choctaw countries, should not be molested by the former nation over the Tellico and Tombigbee road; and that the Government should pay for the land ceded as above described \$1,600 in money or merchandise, at the option of the Indians, within ninety days after the ratification of the treaty.

On the 23d of July, 1805, at a treaty concluded in the Chickasaw country between James Robertson and Silas Dinsmore and the chiefs of the Chickasaws, the latter ceded the following tract of land to the United States: “Beginning at the left bank of [the] Ohio at the point where the present Indian boundary adjoins the same; thence down the left bank of Ohio to the Tennessee River; thence up the main channel of the Tennessee River to the mouth of Duck River; thence up the left bank of Duck River to the Columbian highway or road leading from Nashville to Natchez; thence along the said road to the ridge dividing the waters running into Duck River from those running into Buffalo River; thence eastwardly along the said ridge to the great ridge dividing the waters running into the main Tennessee River from those running into Buffalo River near the main source of Buffalo River; thence in a direct line to the great Tennessee River near the Chickasaw Old Fields, or eastern point of the Chickasaw claim, on that river; thence northwardly to the great ridge dividing the waters running into the Tennessee from those running into the Cumberland River so as to include all the waters running into Elk River; thence along the top of said ridge to the place of beginning; reserving a tract of one mile square adjoining to and below the mouth of Duck River on the Tennessee, for the use of the chief, Okoy, or Lishmastubbee. The commissioners agreed to pay \$20,000 for the use of the nation and for the payments of its debts to traders, etc., and to pay George Colbert and Okoy \$1,000 each. These sums were granted these head men upon the request of the Chickasaw delegation, as a reward for distinguished services rendered the nation; also, the head chief of the nation, Chinnubbee, was granted an annuity of \$100 during

the remainder of "his natural life," "as a testimony of his personal worth and friendly disposition." Two dollars per day was ordered paid an agent of the Chickasaws appointed to assist in running and marking the boundary above described.

On the 7th of January, 1806, at the city of Washington, a treaty was held between Henry Dearborn, Secretary of War, and Double Head, James Vann, Tallotiska, Chuleoah, Sour Mush, Turtle at Home, Katiha, John McLemore, Broom, John Jolly, John Lowry, Red Bird, John Walker, Young Wolf, Skewha, Sequechu and William Showry, chiefs and head men of the Cherokees, Charles Hicks serving as interpreter, and Return J. Meigs, Benjamin Hawkins, Daniel Smith, John Smith, Andrew McClary and John McClary as witnesses, whereby the following was agreed upon: The Cherokee nation ceded to the United States "all that tract of country which lies to the northward of the river Tennessee, and westward of a line to be run from the upper part of the Chickasaw Old Fields at the upper part of an island called Chickasaw Island on said river, to the most easterly head waters of that branch of said Tennessee River called Duck River, excepting the two following tracts, viz: one tract bounded southerly on the said Tennessee River at a place called the Muscle Shoals, westerly by a creek called Tekeetanoah or Cypress Creek, and easterly by Chuwalee or Elk River or creek, and northerly by a line to be drawn from a point on said Elk River, ten miles on a direct line from its mouth or junction with Tennessee River, to a point on the said Cypress Creek, ten miles on a direct line from its junction with the Tennessee River. The other tract is to be two miles in width on the north side of Tennessee River and to extend northerly from that river three miles and bounded as follows, viz.: Beginning at the mouth of Spring Creek and running up said creek three miles on a straight line; thence westerly two miles at right angles with the general course of said creek; thence southerly on a line parallel with the general course of said creek to the Tennessee River; thence up said river by its waters to the beginning—which first reserved tract is to be considered the common property of the Cherokees who now live on the same, including John D. Chisholm, Autowe and Chechout; and the other reserved tract, on which Moses Milton now lives, is to be considered the property of said Milton and Charles Hicks in equal shares. And the said chiefs and head men also agree to relinquish to the United States all right or claim which they or their nation have to what is called the Long Island in Holston River."

In consideration of the relinquishment of this land the United States agreed to pay \$2,000 to the Indians as soon as the treaty was ratified by

the President, and \$2,000 on each of the four succeeding years, or in all \$10,000; and agreed to build a grist-mill in the Cherokee country for the use of the nation; to furnish a machine for cleaning cotton; to pay annually to the old chief, Eunohee, or Black Fox, during the remainder of his life \$100, and to settle the claims of the Chickasaws on the two reservations described above. Apparently, the terms of this treaty required elucidation, as, September 11, 1807, another meeting between James Robertson and Return J. Meigs and a delegation of Cherokees, of whom Black Fox was one, was held "at the point of departure of the line at the upper end of the island opposite to the upper part of the said Chickasaw Old Fields," on which occasion the following was fixed as the eastern limits of the ceded tract: "A line so to be run from the upper end of the Chickasaw Old Fields a little above the upper part of an island called Chickasaw Island, as will most directly intersect the first waters of Elk River; thence carried to the great Cumberland Mountain, in which the waters of Elk River have their source; then along the margin of said mountain until it shall intersect lands heretofore ceded to the United States at the said Tennessee Ridge." It was also agreed that \$2,000 should be paid to the Cherokees to meet their expenses at this council or treaty, and that the Cherokee hunters might hunt over the ceded tract "until, by the fullness of settlers, it shall become improper." Eunohee, or Black Fox; Fauquitee, or Glass; Fulaquokoko, or Turtle at Home; Richard Brown and Sowolotaw, or King's Brother, signed this "declaration of intention." The following treaty or agreement with reference to the cultivation of a certain tract of ground by the proprietors of the Unicoi road was entered into July 8, 1817:

We, the undersigned chiefs of the Cherokee nation, do hereby grant unto Nicholas Byers, Arthur H. Henly and David Russell, proprietors of the Unicoy road to Georgia, the liberty of cultivating all the ground contained in the bend on the north side of Tennessee River, opposite and below Chota Old Town, together with the liberty to erect a grist-mill on Four Mile Creek, for the use and benefit of said road and the Cherokees in the neighborhood thereof; for them, the said Byers, Henly and Russell, to have and to hold the above privileges during the term of use of the Unicoy road, also obtained from the Cherokees and sanctioned by the President of the United States.

At a treaty between Isaac Shelby and Andrew Jackson and the "chiefs, head men and warriors" of the Chickasaw nation held on the 19th of October, 1818, "at the treaty ground east of Old Town, the Indians ceded lands as follows: The land lying north of the south boundary of the State of Tennessee, which is bounded south by the thirty-fifth degree of north latitude, and which lands hereby ceded lie within the following boundary, viz.: Beginning on the Tennessee River about thirty-five miles by water below Col. George Colbert's ferry, where the thirty-fifth degree of

north latitude strikes the same; thence due west with said degree of north latitude to where it cuts the Mississippi River at or near the Chickasaw Bluffs; thence up the said Mississippi River to the mouth of the Ohio; thence up the Ohio River to the mouth of the Tennessee River; thence up the Tennessee River to the place of beginning."

In consideration of this valuable cession "and to perpetuate the happiness of the Chickasaw nation" the Government agreed to allow the Indians an annuity of \$20,000 for fifteen successive years; also to allow Capt. John Gordon, of Tennessee, \$1,115 due him from the Chickasaws, and also to allow Capt. David Smith, of Kentucky, \$2,000 to reimburse him and forty-five soldiers of Tennessee in assisting in the defense of their towns (upon their request) against the attacks of the Creek Indians in 1795. A reservation in the above tract was retained by the Indians. It contained four miles square of land, including a salt spring or lick on or near Sandy River, a branch of the Tennessee. The Chickasaw chief, Levi Colbert and Maj. James Brown were constituted agents to lease the salt licks to a citizen or citizens of the United States for the benefit of the Indians, a certain quantity of salt to be paid therefor annually to the nation; and after two years from the date of the ratification of the treaty no salt was to be sold higher than \$1 per bushel of fifty pounds weight. The Government further agreed to pay to Oppassantubbee, a principal chief of the Chickasaws, \$500 for his two-mile reservation on the north side of the Tennessee River; retained September 20, 1816, to pay John Lewis, a half-breed, \$25 for a lost saddle while serving the United States; to pay Maj. James Colbert \$1,089, which had been taken from his pocket in June, 1816, at a theater in Baltimore.

Also to give upon the ratification of the treaty to the following named chiefs \$150 each: Chinnubbee, king of the Chickasaws; Teshuahmingo, William McGibvery, Oppassantubbee, Samuel Seely, James Brown, Levi Colbert, Iskarwcuttaba, George Pettigrove, Immartoibarmicco, and Malcolm McGee, interpreter; and to Maj. William Glover, Col. George Colbert, Hopoyebaummer, Immauklusharhopoyea, Tushkaihopoye, Hopoyebaummer, Jr., James Colbert, Coweamarthlar and Illachouwarhopoyea, \$100 each. At a treaty with the Cherokees held at Washington City, February 27, 1819, the Indians ceded the following tract of country:

All of their lands lying north and east of the following line, viz.: Beginning on the Tennessee River at the point where the Cherokee boundary with Madison County in Alabama Territory joins the same; thence along the main channel of said river to the mouth of the Hiwassee; thence along its main channel to the first hill which closes in on said river about two miles above Hiwassee; thence along the ridge which divides the waters of the Hiwassee and Little Tellico, to the Tennessee River at Telassee; thence along the main channel to the junction of the Cowee and Nauteyalee; thence along the ridge in the fork of

said river to the top of the Blue Ridge; thence along the Blue Ridge to the Unicoy turn-pike road; thence by a straight line to the nearest main source of the Chestatee; thence along its main channel to the Chatahouchee, and thence to the Creek boundary; it being understood that all the islands in the Chestatee, and the parts of the Tennessee and Hiwassee (with the exception of Jolly Island in the Tennessee near the mouth of the Hiwassee) which constitutes a portion of the present boundary, belong to the Cherokee nation.

ART. 3. It is also understood and agreed by the contracting parties, that a reservation in fee simple, of six hundred and forty acres square, with the exception of Maj. Walker's which is to be located as is hereafter provided, to include their improvements, and which are to be as near the center thereof as possible, shall be made to each of the persons whose names are inscribed on the certified list annexed to this treaty,* all of whom are believed to be persons of industry, and capable of managing their property with discretion and have, with few exceptions, made considerable improvements on the tracts reserved. The reservations are made on the condition that those for whom they are intended shall notify in writing to the agent for the Cherokee nation within six months after the ratification of this treaty that it is their intention to continue to reside permanently on the land reserved. The reservation for Lewis Ross so to be laid off as to include his house and out-buildings and ferry adjoining the Cherokee agency, reserving to the United States all the public property there and the continuance of the said agency where it now is during the pleasure of the Government; and Maj. Walker's so as to include his dwelling house and ferry, for Maj. Walker an additional reservation is made of 640 acres square, to include his grist and saw-mill; the land is poor and principally valuable for its timber. In addition to the above reservations the following are made in fee simple, the persons for whom they are intended not residing on the same: To Cobbin Smith 640 acres, to be laid off in equal parts on both sides of his ferry on Tellico, commonly called Blair's ferry; to John Ross 640 acres, to be laid off so as to include the Big Island in Tennessee River, being the first below Tellico, which tracts of land were given many years since by the Cherokee nation to them; to Mrs. Eliza Ross, step-daughter of Maj. Walker, 640 acres square, to be located on the river below and adjoining Maj. Walker's; to Margaret Morgan 640 acres square to be located on the west of and adjoining James Riley's reservation; to George Harlin 640 acres square, to be located west of and adjoining the reservation of Margaret Morgan; to James Lowry 640 acres square, to be located at Crow Mocker's old place, at the foot of Cumberland Mountain; to Susannah Lowry 640 acres, to be located at the Toll Bridge on Battle Creek; to Nicholas Byers 640 acres, including the Toqua Island, to be located on the north bank of the Tennessee opposite to said island.

Immediately after the ratification of this treaty North Carolina appointed commissioners and surveyors to survey and sell the lands acquired within her limits under the treaty. These commissioners and surveyors performed their duties without knowing what reservations would be taken by the Indians, or where they would be located. Subsequently to the sale by the State, commissioners were sent out by the United States Government to survey and lay off the reservations for those Indians who claimed under the treaty. The consequence was that nearly all the reservations conflicted with lands previously sold by the State Commissioners to citizens, a number of whom had sold their homesteads in older settled portions of the State, and had moved to the newly acquired

*Robert McLemore, John Baldrige, Lewis Ross, Fox Taylor, Rd. Timberlake, David Fields (to include his mill), James Brown (to include his field by the long pond), William Brown, John Brown, Elizabeth Lowry, George Lowry, John Benze, Mrs. Elizabeth Peck, John Walker, Sr., John Walker, Jr., Richard Taylor, John McIntosh, James Starr, Samuel Parks, The Old Bark (of Chota)—total 20. (Only those are here given whose reserves were in Tennessee.)

territory. These conflicting claims caused much disturbance, the purchasers from the State commissioners looking to the State to make their title valid, and the Indians looking to the United States to make their title valid. A great many suits were brought by the Indians in the courts of North Carolina against citizens who had taken possession under titles obtained from the State of North Carolina, and one case was carried to the supreme court of the State and decided in favor of the Indian. Clearly perceiving the disagreeable results that must ensue from a continuance of this state of things, North Carolina felt compelled to take prompt measures for the relief of the citizens to whom she had sold these lands. Time would not permit application to the General Government to extinguish the Indian title, and she therefore took the only course left open for her to pursue, viz.: to appoint commissioners of her own to purchase of the Indians their claims to the lands. This purchase was effected at a cost to the State of \$19,969, besides incidental expenses, the entire sum expended by the State in this matter being \$22,000. North Carolina then made application to Congress for the reimbursement to her treasury of this sum, basing her claim for reimbursement on the two following reasons: *First*—That the General Government had no power to exercise any control over any part of the soil within the limits of any of the original States, and that the injury sustained by North Carolina resulted from the act of the General Government in the assumption and exercise of this power as set forth in this treaty, and which was a violation of the rights and sovereignty of the State. *Second*—That the general policy of the General Government has been to extinguish Indian titles to land within the States when she could do so. The first proposition was discussed at considerable length and the second was sustained by extracts from the treaties of Hopewell, 1785, and of Holston, 1791. The application of North Carolina for the repayment to her of \$22,000 was granted by Congress in an act approved May 9, 1828. Soon after the conclusion of the above treaty the following agreement with reference to the laying out and opening of a road from the Tennessee to the Tugaloo River was made and entered into:

CHEROKEE AGENCY, HIWASSEE GARRISON.

We the undersigned chiefs and councilors of the Cherokees, in full council assembled, do hereby give, grant and make over unto Nicholas Byers and David Russell, who are agents in behalf of the States of Tennessee and Georgia, full power and authority to establish a turnpike company to be composed of them, the said Nicholas and David, Arthur Henly, John Lowry, Acto and one other person, by them to be hereafter named in behalf of the State of Georgia, and the above named person are authorized to nominate five proper and fit persons, natives of the Cherokees, who, together with the white men aforesaid, are to constitute the company; which said company when thus established, are hereby fully authorized by us to lay out and open a road from the most suitable point on the

Tennessee River, to be directed the nearest and best way to the highest point of navigation on the Tugalo River; which said road when opened and established shall continue and remain a free and public highway, unmolested by us, to the interest and benefit of the said company and their successors, for the full term of twenty years yet to come after the same may be opened and complete; after which time said road with all its advantages shall be surrendered up and reverted in the said Cherokee nation. And the said company shall have leave, and are hereby authorized, to erect their public stands, or houses of entertainment, on said road, that is to say: One at each end and one in the middle, or as nearly so as a good situation will permit, with leave also to cultivate one hundred acres of land on each end of the road and fifty acres at the middle stand, with a privilege of a sufficiency of timber for the use and consumption of said stands. And the said turnpike company do hereby agree to pay the sum of \$160 yearly to the Cherokee nation for the aforesaid privilege, to commence after said road is opened and in complete operation. The said company are to have the benefit of one ferry on Tennessee River, and such other ferry or ferries as are necessary on said road, and likewise said company shall have the exclusive privilege of trading on said road during the aforesaid term of time.

In testimony of our full consent to all and singular the above named privileges and advantages, we have hereunto set our hands and affixed our seals this eighth day of March, eighteen hundred and thirteen

OU-TA-HE-LEE	BIG CABBIN,	OO-SEE-KEE,
THE-LA-GATH-A-HEE,	NETTLE CARRIER,	CHU-LA-OO,
TWO KILLERS,	JOHN WALKER,	WAU-SA-WAY,
JOHN BOGGS,	NA-AH-REE,	THE BARK,
CUR-A-HEE,	THE RAVEN,	SEE-KEE-KEE,
TOO-CHA-LEE,	TE-IS-TIS-KEE,	DICK BROWN,
DICK JUSTICE,	QUO-TI-QUAS-KEE,	CHARLES HICKS.

The foregoing agreement and grant was amicably negotiated and concluded in my presence.

RETURN J. MEIGS, *Agent to the Cherokees.*

I certify I believe the within to be a correct copy of the original.

WASHINGTON CITY, March 1, 1819

CHARLES HICKS, *Agent to the Cherokees.*

On the 15th of November, 1819, the Legislature of Tennessee passed an act to dispose of the lands in the former Cherokee hunting grounds between the rivers Hiwassee and Tennessee, and north of the Little Tennessee. The act provided that three commissioners should be appointed to superintend the sale of these lands, that no one person should be allowed to purchase for himself more than 640 acres, and 320 acres for each of his children, and that no land should be sold for less than \$2 per acre. By this act the Unicoi Turnpike Company was permitted to retain, possess and enjoy all the franchises yielded to them by the Cherokees in the treaty of February 27, 1819, together with the use and occupancy of 250 acres of land convenient to the public house then occupied by Maj. Henry Stephens during the continuance of the grant. A few days previous to the passage of the above act, the Legislature of Tennessee passed an act (October 23, 1819) for the adjudication of the North Carolina land claims and for satisfying the same by an appropriation of the vacant soil south and west of the congressional reservation line, and extending to the Mississippi River. This territory was divided into seven

districts, numbered from the seventh to the thirteenth inclusive, all of these districts being definitely bounded in the second section of this act.

The "congressional reservation line" was described in an act of Congress, approved April 18, 1806, entitled "an act to authorize the State of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant lands within the same." Following is the description of the line: "Beginning at the place where the eastern or main branch of Elk River shall intersect the southern boundary line of the State of Tennessee: from thence running due north until said line shall intersect the northern or main branch of Duck River; thence down the waters of Duck River to the military boundary line as established by the seventh section of an act of the State of North Carolina entitled 'an act for the relief of the officers and soldiers of the continental line and for other purposes' passed in the year 1783; thence with the military boundary line west to the place where it intersects the Tennessee River; thence down the waters of the river Tennessee to the place where the same intersects the northern boundary line of the State of Tennessee."

With reference to the departure of the Cherokee Indians from the State of Tennessee, it is proper to observe that early in this century they were divided into the Lower and Upper Towns: the Lower Towns clinging to the hunter life, and the Upper Towns wishing to assimilate with the whites. In 1808 delegations from both parties called upon the President of the United States—the former to express a wish to remove to Government lands west of the Mississippi. On July 8, 1817, lands were ceded to the United States in exchange for lands on the Arkansas and White Rivers, and under this arrangement 3,000 moved in 1818. Then followed the treaty of 1819, after which the Cherokees had left east of the Mississippi River about 8,000 square miles of territory, chiefly in the State of Georgia.

The last treaty made with the Chickasaws was under date of October 19, 1818, at which they ceded all their lands north of Mississippi between the Tennessee and Mississippi Rivers, for certain specified annual payments, the Colberts, influential men of the tribe, aware of the value of the lands, securing unusually favorable terms for the Chickasaws. By treaties of 1832 and 1834 they ceded to the United States all their remaining lands east of the Mississippi River.

It is difficult to obtain accurate statistics with regard to the numbers of the various Indian tribes residing within the limits of Tennessee at any specified period previous to 1860. There was taken no valuable census of the Indian population previous to 1825, and then it was taken

with reference to the tribes themselves instead of with reference to States. In that year there were estimated to reside in the States of North Carolina, Georgia, Alabama, Mississippi and Tennessee, 53,625 Indians—Cherokees, Creeks, Chickasaws and Choctaws. Of the Creeks there were about 20,000 residing principally in eastern Alabama. Of the Choctaws there were about 20,000, residing principally in Mississippi. Of the Chickasaws there were about 3,600, residing almost wholly in Mississippi, the rest being Cherokees residing in North Carolina, Georgia, Alabama and Tennessee. At this time the total number of Indians in Tennessee was about 1,000, which remained the Indian population of the State for several years, but the number was gradually reduced until 1860, when it was sixty; in 1870 it was seventy.

CHAPTER IV.

SETTLEMENT OF TENNESSEE—EARLY EXPLORATIONS—FERDINAND DE SOTO—IDENTITY OF CHISCA AND MEMPHIS—WOOD'S TOUR OF DISCOVERY—SETTLEMENTS AND INTRIGUES OF THE FRENCH—SPOTTSWOOD'S EXPLORATION—CONFLICTING DESIGNS OF THE FRENCH AND THE ENGLISH—CONSTRUCTION OF FORTS LOUDON AND PATRICK HENRY—SCOTCH AND FRENCH TRADERS—WALKER'S DISCOVERIES—DANIEL BOONE—THE HUNTING EXPEDITIONS—THE GRADUAL APPEARANCE OF PERMANENT WHITE SETTLERS—RESULTS OF THE TREATY OF 1763—RAPID INCREASE OF PIONEERS—WATAUGA, CARTER'S AND BROWN'S SETTLEMENTS—LAND CESSIONS AND PRE-EMPTION GRANTS—ACTS OF THE WATAUGA ASSOCIATION—THE EXPLORATION OF CUMBERLAND VALLEY—DONELSON'S JOURNAL—DESCRIPTION OF A THRILLING VOYAGE—GENERAL OBSERVATIONS.

THE problem of who were the first inhabitants of the immense, diversified and fertile territory now organized into and named the State of Tennessee will doubtless always remain unsolved. The present limits of the State were certainly entered in the western part, and possibly in the eastern part by that daring explorer and intrepid warrior, Fernando De Soto, while on his ill-starred expedition of 1540 and 1541. The opinion as to his presence in East Tennessee rests mainly if not entirely upon inferences drawn from descriptions of localities, rivers and islands, and from the names of Indian tribes and villages contained in the narrative of the Portuguese historian who accompanied De Soto in his final and fatal wanderings. According to McCullough, the extreme northern point of the route followed by De Soto's army was at Chonalla, near the thirty-fifth parallel of latitude, and somewhere among the sources of the Coosa River. And Dr. Ramsey thinks it possible that Chonalla was identical

with the modern Cherokee, Chillhowee, as the description by the Portuguese gentlemen of the country around Chonalla applies to that around Chillhowee. "Canasaqua" is also mentioned in the Portuguese narration, and this name is thought to have been changed into Canasauga, which is the name of one of the tributaries of the Coosa, and it is also the name of a small town in the southeast corner of Polk County. Talise and Sequatchie are also mentioned, which seems to additionally confirm the theory of De Soto's presence in East Tennessee. In 1834 Col. Pettival visited two forts or camps on the west bank of the Tennessee River, one mile above Brown's Ferry, below the Muscle Shoals, and opposite the mouth of Cedar Creek, which he was certain "belonged to the expedition of Alphonso De Soto." This fact, if established, would be in confirmation of the theory that De Soto crossed the Tennessee River to the northward, and then again to the southward on his march into what are now Alabama and Mississippi.

But whatever may be the fact regarding the presence of De Soto's army in East Tennessee, there is no reasonable doubt of its having been in West Tennessee. After leaving Talise, De Soto, in response to an invitation from Tuscaluza, visited the residence of that cazique about fifteen leagues distant from Talise, and on the windings of the river. Continuing his march he arrived at Mauvilla, October 18, 1540, and here was compelled to fight one of his greatest battles, in which he lost eighty-two of his soldiers and inflicted a loss of 2,500 on the natives. Proving victorious he rested his army in the village of Mauvilla until November 18, when he started northward. After five days marching the Spaniards entered the province of Chicaza and approached the village, Cabusto, where another battle was fought with the Indians, and after winning this battle they arrived at Chicaza village December 18. Here, as at Mauvilla, they were surprised by a well concerted night attack from the Indians, but were again victorious and resumed their march to Chiacilla, where they remained the rest of the winter. April 1, 1541, they marched four leagues and encamped beyond the boundaries of Chicaza. At Alibamo they fought their next battle, and then marched northward seven days through an uninhabited wilderness, and at length came in sight of Chisca, seated near a wide river, the largest they had as yet discovered, and which they named the Rio Grande. Juan Coles, one of the followers of De Soto, says the Indians named the river Chucaqua. The Portuguese narrator says that in one place it was named Tomaliseu, in another Tupata, in another Mico, and where it enters the sea Ri, probably different names among the different tribes. The Portuguese gentlemen called Chisca by the name of Quizquiz.*

*Ramsey.

Chisca is believed to have occupied the site of the present thriving city of Memphis. On the morning of its discovery by the Spaniards they rushed into it in a disorderly manner, pillaging the houses and taking numerous persons of both sexes prisoners. Chisca, the chief of the province, though ill, was exceedingly enraged, and was determined to rush forth and exterminate all who had thus dared to enter his province without permission. But he was restrained by his women and attendants, and after a proffer of peace by De Soto, became more peaceable, granted the request, and De Soto went into camp. The next morning some of the natives advanced without speaking, turned their faces toward the east, and made a profound genuflection to the sun; then turning to the west they made the same obeisance to the moon, and concluded with a similar but less profound reverence to De Soto. They then said they had come in the name of the cazique, Chisca, and in the name of all his subjects, to bid them welcome, and to offer their friendship and services. They also said they were desirous of seeing what kind of men the strangers were, as there was a tradition handed down from their ancestors that a white people would come and conquer their country.*

The Spaniards remained at Chisca twenty days, at the end of which time, having built four piraguas, they were ready to cross the great river. About three hours before day De Soto ordered the piraguas to be launched, and four troopers of tried courage to cross in each. The troopers, when near the opposite shore, rushed into the water, and meeting with no resistance easily effected a landing, and were thus masters of the pass. The entire army was over the river two hours before the setting of the sun. The Mississippi River at this place, according to the Portuguese narrator, was half a league across, was of great depth, very muddy, and was filled with trees and timber, carried along by the rapidity of the current.

According to Bancroft, De Soto saw the Mississippi River for the first time April 25, 1541, being guided to it by the natives at one of their usual crossing places, probably the lowest Chickasaw Bluff, not far from the thirty-fifth parallel of latitude; Belknap says within the thirty-fourth parallel; Andrew Elliott's journal says it was in thirty-four degrees and ten minutes; "Martin's Louisiana" says a little below the lowest Chickasaw Bluff; "Nuttall's Travels in Arkansas" says at the lowest Chickasaw Bluff, and McCullough says twenty or thirty miles below the mouth of the Arkansas River.

From the time of De Soto's departure from Chisca there appears to have been no attempt at exploration within the present limits of Tennessee

*Irving.

until the year 1655, when Col. Wood, who lived at the falls of the James River, sent suitable persons out on a tour of discovery to the westward. These parties crossed the Alleghany Mountains, and reached the Ohio and other rivers flowing into the Mississippi. And it is believed possible by writers on this department of literature that Col. Wood's explorers followed the beautiful valley of Virginia, passed through the upper part of East Tennessee and the Cumberland Gap, and thus were the pioneers of that vast flood of immigration which but little more than a century later poured its current of life and activity into Tennessee.

Less than twenty years after this conjectural tour through Tennessee of Col. Wood's adventurers two remarkable, historical personages passed down the Mississippi, and found between the thirty-fifth and thirty-sixth parallels of latitude, on the eastern bank of the great river, densely populated Indian villages. These celebrated personages were Marquette and Joliet, and these discoveries were made in June, 1673. In the map published in connection with Marquette's Journal, in 1681, highlands corresponding to the first, second and third Chickasaw Bluffs are delineated with considerable accuracy, as is also a large island, known as President's Island. Reports of these visits and discoveries circulated in France excited among their countrymen brilliant schemes of colonization along the banks of the Mississippi, and La Salle was commissioned to perfect the exploration of the great river and its immense and productive valley. In furtherance of this object La Salle descended the river to its mouth in 1682, and planted the standard of France near the Gulf of Mexico, claiming the territory for that power, and naming it "Louisiana," in honor of his sovereign, Emperor Louis XIV. As he passed down the river he framed a cabin and built a fort on the first Chickasaw Bluff, naming it *Prud'homme*. Except the four piraguas, or pirogues, built at this point by the Spanish adventurer De Soto, in 1541, this cabin and fort built by the French explorer La Salle, in 1682, was the first handicraft by civilized man within the boundaries of Tennessee.

While at this fort La Salle entered into friendly arrangements with the Chickasaw Indians for the opening of trade, and established a trading post, which he hoped would serve as a rendezvous for traders from the Illinois to posts which might afterward be established below. Since the time of La Salle the largest commercial city of Tennessee has been established and developed very near, if not precisely upon, the very spot selected by him for his trading post. But this State was not to be settled from the West. It was from Virginia and North Carolina that were to come the hardy sons of toil and courageous pioneers that were to convert the "howling wilderness," which Tennessee had been for centuries, into

a populous, industrious and prosperous commonwealth. After the death of Bacon immigration set in toward the west, and extended into the beautiful valley of Virginia. In 1690 the settlements reached the Blue Ridge, and explorations of the great West were soon afterward undertaken. In 1714, according to Ramsey, Col. Alexander Spottswood, then lieutenant-governor of Virginia, passed, and was the first to pass the Great Blue Hills, and his attendants, on account of having discovered a horse-pass, were called "Knights of the Horse Shoe." It has been said that during this tour Gov. Spottswood passed Cumberland Gap, and conferred this name upon the gap, the mountains and the river, which they have ever since retained, but this is probably an error. During the same year (1714) M. Charleville, a French trader from Crozat's colony, at New Orleans, came among the Shawanees, then living upon the Cumberland River, and opened trade with them. His store was upon a mound, on the present site of Nashville, west of the Cumberland River, near French Lick Creek, and about seventy yards from each stream. But it is thought M. Charleville could not have remained long, for about this time the Chickasaws and Cherokees made a combined attack upon the Shawanees, and drove them from their numerous villages along the lower Cumberland.

Evidently it was the design of the French at that time to exclude the English from the valley of the Mississippi and to confine their colonies to narrow limits along the Atlantic coast. In order to accomplish this purpose they endeavored to enlist in their behalf the native Indian tribes. Traders from Carolina having ventured to the countries of the Choctaws and Chickasaws had been driven from their villages through the influence of Bienville, France claiming the entire valley of the Mississippi by priority of discovery. According to Adair the eastern boundaries of the territory at that time claimed by the French extended to the head springs of the Alleghany and Monongahela, of the Kanawha and of the Tennessee. One half mile from the head of the Savannah was "Herbert's Spring," the water from which flows to the Mississippi, and strangers who drank of it would say they had tasted "French waters;" and the application of the name "French Broad" to the river now known by that name is thus explained. Traders and hunters from Carolina in passing from the head waters of Broad River, and falling upon those of the stream with which they inosculate west of the mountains, and hearing of the French claim would naturally call the newly discovered stream the "French Broad." Not long after this the French built and garrisoned Fort Toulouse, at the confluence of the Coosa and Tallapoosa; Tombeckbee in the Choctaw country; Assumption, on the Chick-

asaw Bluff, and Paducah, at the mouth of the Cumberland, and numerous trading posts along the Tennessee, indicative of their intention to maintain possession of the country.

To counteract the influence of the French and to frustrate their designs the English sent out Sir Alexander Cumming to treat with the Cherokees, who at that time occupied the country in the vicinity of the source of the Savannah River and back therefrom to and beyond the Appalachian chain of mountains. Summoning the Lower, Middle Valley and Overhill tribes, Sir Alexander met the chiefs of the Cherokee towns at Nequassa, in April, 1730, informed them by whom he was sent and demanded of them obedience to King George. The chiefs, falling upon their knees, solemnly promised what was demanded, and Sir Alexander, with their unanimous consent, nominated Moytoy, of Tellico,* commander-in-chief of the Cherokee nation. The crown was brought from Tennesee,† their chief town, which together with five eagle feathers and four scalps, taken from the heads of their enemies, they requested Sir Alexander to lay at his sovereign's feet.

As has been seen above it was the policy of France to unite the extremes of her North American possessions by a cordon of forts along the Mississippi River; but the Chickasaws had hitherto formed an obstacle to the accomplishment of this design. This tribe of Indians was considered inimical to the purposes of the French, and hence the French resolved upon their subjugation. A joint invasion was therefore made into their country by Bienville and D'Artuquette, which resulted disastrously to the invaders. The French, however, not to be deterred by disaster, toward the last of June, 1739, sent an army of 1,200 white men and double that number of red and black men, who took up their quarters in Fort Assumption, on the bluff of Memphis. The recruits from Canada sank under the torridity of the climate. In March, 1740, the small detachment proceeded to the Chickasaw country. They were met by messengers who supplicated for peace, and Bienville gladly accepted the calumet. The fort at Memphis was razed, and the Chickasaws remained the undoubted lords of the country.‡

Thus did the present territory of Tennessee again rid itself of civilization, almost precisely two centuries after De Soto built his piraguas near the site of the razed Fort Assumption, on the banks of the Mississippi. But civilization can not be restrained. Settlements were gradually extending from the Atlantic colonies toward Tennessee. In 1740

* Probably the modern Tellico.

† Tennesee was on the west bank of the present Little Tennessee River, a few miles above the mouth of Tellico, and afterward gave its name to Tennessee River and the State.

‡ Bancroft

there was a handsome fort at Augusta garrisoned by twelve or fifteen men, besides officers, and the boundary line between Virginia and North Carolina was extended in 1749 by commissioners appointed by their respective Legislatures to Holston River, directly opposite Steep Rock. According to Haywood the Holston River was discovered by and settled upon by a man of that name, which event must therefore have occurred previous to 1749. Fort Dobbs was built in 1756, about twenty miles west of Salisbury, in accordance with the terms of a treaty between Col. Waddle and Attakullakulla, the Little Carpenter, in behalf of the Cherokees. But to this treaty the Indians paid little attention, and hence it became necessary for Gov. Glenn, of South Carolina, to make an alliance with the Indians for the purpose of securing peace and protection to the frontier settlements. This alliance or treaty was made in 1755, at which a large cession of territory was made to the King of Great Britain, whom Gov. Glenn represented, and soon afterward Gov. Glenn built Fort Prince George upon and near the source of the Savannah River, 300 miles from Charleston, and in the immediate proximity of an Indian town named Keown.

In the spring of 1756 the Earl of Loudon, who had been appointed commander of the King's troops in America and governor of Virginia, sent Andrew Lewis out to build another fort on the southern bank of the Little Tennessee River, above the mouth of Tellico River, nearly opposite the spot upon which Tellico Block-house was afterward erected and about thirty miles from the site of Knoxville. Lewis named the structure Fort Loudon, in honor of the Earl. This fort is remarkable as being the first erected in Tennessee by the English, but authorities differ as to the year in which it was erected—some say in 1756, others in 1757. In 1758 Col. Bird, of Virginia, erected Long Island Fort, on the north bank of the Holston, nearly opposite the upper end of Long Island. At this time the line between Virginia and North Carolina had not been extended beyond Steep Rock Creek, and this fort was thought to be in Virginia, but as the line when extended passed north of the fort, the Virginians have the honor of having erected the second Anglo-American fort within the limits of Tennessee.

While these events were taking place, numerous traders were making their way from the Atlantic coast to the south and west. In 1690 Doherty, a trader from Virginia, visited the Cherokees, and in 1730 Adair, from South Carolina, extended his tour through the towns of this tribe. In 1740 other traders employed a Mr. Vaughn as packman to transport their goods. These traders passed to the westward along the Tennessee below the Muscle Shoals, and there came in competition with other trad-

ers from New Orleans and Mobile. Those who returned to northern markets were usually heavily laden with peltries which sold at highly remunerative prices. A hatchet, a pocket looking-glass or a piece of scarlet cloth and other articles which cost but little and were of but little intrinsic value would command among the Indians on the Hiwassee or the Tennessee peltries which could be sold for forty times their original cost in Charleston or Philadelphia. It is worthy of remark that most of these traders were Scotchmen who had been but a short time in the country, who were thus at peace with the Indians, and the commerce which they carried on proved a source of great profit and was with them for a time a monopoly. But this monopoly was not to be permitted long to continue. The cupidity of frontier hunters became excited as they perceived the heavily laden trader or packman returning from the far Western wilderness which they had not yet ventured to penetrate; and as game became scarce in their own accustomed haunts east of the mountains they soon began to accompany the traders to the West and to trap and hunt on their own account.

But these hunters and traders can scarcely be considered the precursors of the pioneer settlers of Tennessee. In 1748 Dr. Thomas Walker, of Virginia, in company with Cols. Wood, Patton and Buchanan and Capt. Charles Campbell, made an exploring tour upon the Western waters. Passing Powell's Valley he gave the name "Cumberland" to the lofty range of mountains on the west of the valley. Tracing this range in a southwest direction he came to a remarkable depression in the chain. Through this depression he passed, calling it "Cumberland Gap." West of the range of mountains he found a beautiful mountain stream to which he gave the name of "Cumberland River," all in honor of the Duke of Cumberland, then Prime Minister of England. The Indian name of the river was Warito. On account of the supposition that the Virginia line, if extended westward, would run south of its present location, a grant of land was made by the authorities in Virginia to Edmund Pendleton of 3,000 acres lying in Augusta County on a branch of the middle fork of the Indian River, called West Creek, now in Sullivan County, Tenn. The original patent was signed by Gov. Dinwiddie, was presented to Dr. Ramsey by T. A. R. Nelson, of Jonesboro, and is probably the oldest patent in the State.

In 1760 Dr. Walker again passed over Clinch and Powell Rivers on a tour of exploration into Kentucky. At the head of one of the parties that visited the West in 1761 "came Daniel Boone, from the Yadkin in North Carolina, and traveled with them as low as the place where Abingdon now stands and there left them." This is the first time the name of

Daniel Boone is mentioned by historians in connection with explorations into Tennessee, but there is evidence that he was in the State at least a year earlier; evidence that is satisfactory to most writers on the subject. N. Gammon, formerly of Jonesboro, and later of Knoxville, furnished to Dr. Ramsey a copy of an inscription until recently to be seen upon a beech tree standing in the valley of Boone's Creek, a tributary of the Watauga, which is here presented:

D. Boon		
Cilled	A	B A R
on Tree	in	the
yeaR		
1760		

If Daniel Boone wrote or rather cut this inscription on the tree, as is generally believed to have been the case, it is not improbable that he accompanied Dr. Walker on his second tour of exploration, which was made in 1760, and it fixes the date of his arrival in this State. But this, apparently, is not demonstrable. The New American Cyclopedia says in reference to Daniel Boone: "When he was about eighteen his father removed to North Carolina and settled on the Yadkin. Here Daniel married Rebecca Bryan and for some years followed the occupation of a farmer, but about 1761 we find that his passion for hunting led him with a company of explorers into the wilderness at the head waters of the Tennessee river;" and Collins, in his History of Kentucky, writes as though Boone's knowledge of and interest in the wild-woods of Kentucky began upon hearing reports of their beauty and value by John Findley, who did not make his exploration until 1767, which will be referred to in its proper chronological connection. However, with regard to the inscription it would seem legitimate to inquire why did not Boone spell his own name correctly on the tree?

In this same year, 1761, a company of about twenty hunters, chiefly from Virginia came into what is now Hawkins County, Tenn., and hunted in Carter's Valley about eighteen months. Their names have not all been preserved; a portion of them, however, were Wallen, Scaggs, Blevins and Cox. Late in 1762 this party came again and hunted on the Clinch and other rivers, as was also the case in 1763 when they penetrated further into the interior, passed through Cumberland Gap, and hunted the entire season upon the Cumberland River. In 1764 Daniel Boone, now in the employ of Henderson & Co., came again to explore the country. He was accompanied this time by Samuel Callaway, ancestor of the Callaway family in Tennessee, Kentucky and Missouri. After Boone and Callaway came Henry Scaggs, who extended his tour to the lower Cumberland and fixed his station at Mansker's Lick,

the first exploration west of the Cumberland Mountains by an Anglo-American. In June, 1766, according to Haywood, Col. James Smith set out to explore the rich lands between the Ohio and Cherokee Rivers, then lately ceded to Great Britain. Traveling westwardly from the Holston River, in company with Joshua Horton, Uriah Stone and William Baker, and a slave belonging to Horton, they explored the country south of Kentucky, and the Cumberland and Tennessee Rivers from Stone River, which they named after Uriah Stone, down to the Ohio. Arriving at the mouth of the Tennessee Col. Smith, accompanied by Horton's slave, returned to Carolina in October. The rest of the party went on to Illinois.

The recital by Col. Smith of what he had seen on the lower Cumberland, the extraordinary fertility of the soil, its rich flora, its exuberant pasture, etc., excited in the minds of the people in the Atlantic States which he visited an ardent and irrepressible desire to emigrate to that country. In 1767 John Findley, accompanied by several persons, visited the West. Passing through Cumberland Gap he explored the country as far as the Kentucky River. Upon his return his glowing descriptions of the fertility of the country beyond the Cumberland Mountains excited the curiosity of the frontiersmen of North Carolina and Virginia no less than did those of Col. Smith. With reference to this journey of Findley, Collins says:

"In 1767 the return of Findley from his adventurous excursion into the unexplored wilds beyond the Cumberland Mountains, and the glowing account he gave of the richness and fertility of the new country, excited powerfully the curiosity and imagination of the frontier-backwoodsmen of Virginia and North Carolina, ever on the watch for adventure, and to whom the lonely wilderness with its perils presented attractions which were not to be found in the close confinement and enervating inactivity of the settlements. To a man of Boone's temperament and tastes, the scenes described by Findley presented charms not to be resisted; and in 1769 he left his family upon the Yadkin, and in company with five others, of whom Findley was one, he started to explore the country of which he had heard so favorable an account.

"Having reached a stream of water on the borders of the present State of Kentucky, called Red River, they built a cabin to shelter them from the inclemency of the weather (for the season had been very rainy), and divided their time between hunting and the chase, killing immense quantities of game. Nothing of particular interest occurred until the 22d of December, 1769, when Boone, in company with a man named Stuart, being out hunting, was surprised and captured by the Indians. They

remained with their captors seven days, till having, by a rare and powerful exertion of self-control, suffering no signs of impatience to escape them, they succeeded in disarming the suspicions of the Indians, effected their escape without difficulty. * * * On regaining their camp they found it dismantled and deserted; the fate of its inmates was never ascertained, and it is worthy of remark that this is the last and almost only glimpse we have of Findley, the first pioneer."

Ramsey says: "Of Findley nothing more is known than that he was the first hunter of Kentucky and the pilot of Boone to the dark and bloody ground." He also says that in December of that year (1769) John Stewart was killed by the Indians (quoting from Butler) "the first as far as is known in the hecatombs of white men, offered by the Indians to the god of battles in their desperate and ruthless contention for Kentucky." Boone, therefore, except possibly Findley, was the only one of this party of six who, passing through East Tennessee, made this exploration into Kentucky and returned.

The events which immediately follow the above in chronological succession have more or less relation to the Treaty of Paris, or the Peace of 1763, hence a brief account of that treaty is appropriate in this connection, and also from the fact that the territory, now comprising Tennessee, as well as a large amount of other territory, was by that treaty ceded by France to England. Of the effect of this treaty upon England, Bancroft says:

"At the peace of 1763 the fame of England was exalted in Europe above that of all other nations. She had triumphed over those whom she called her hereditary enemies, and retained one-half a continent as a monument of her victories. Her American dominions extended without dispute, from the Atlantic to the Mississippi, from the Gulf of Mexico to Hudson's Bay, and in her older possessions that dominion was rooted as firmly in the affections of the colonists as in their institutions and laws. The ambition of British statesmen might well be inflamed with the desire of connecting the mother country and her trans-Atlantic empire by indissoluble bonds of mutual interests and common liberties."

But this treaty, howsoever great may have been its effect upon the majesty and grandeur of the English Government, and howsoever great may have been the relief obtained by the French nation, neither French nor English appears to have taken into account the rights or well-being of the independent Indian tribes, the real owners of the territory ceded by the one nation to the other. Not having been consulted by the great powers, having been in fact entirely ignored, the Indians naturally refused to be bound by the transfer of their country by the French to the

English, and hence every excursion into their hunting ground was looked upon with jealousy, and was finally met with resistance as an invasion of their country, and an unwarranted encroachment upon their rights. The Indians had been, in the years of their alliance with the French, prepared for this attitude toward the English, by the efforts of the people of the former nation to excite in the savage tribes fears of the designs of the English to dispossess them of their entire country. For the purpose of allaying as far as practicable, or removing these apprehensions, King George, on the 7th of October, 1763, issued his proclamation prohibiting the provincial governors from granting lands or issuing land warrants to be located west of the mountains, or west of the sources of those streams flowing into the Atlantic Ocean. And all private persons were strictly enjoined from purchasing any lands of the Indians, such purchases being directed to be made, if made at all, at a general meeting or assembly of the Indians, to be held for that purpose by the governor or commander-in-chief of each colony, respectively.

But no matter what may have been the intention of King George, of England, in the issuance of this proclamation, its effect upon the westward tide of immigration was imperceptible. The contagious spirit of adventure and exploration had now risen to the dignity of an epidemic. An avalanche of population was being precipitated upon these fertile valleys, hills and plains, and the proclamation of the King had no more effect upon these eager, moving masses than had the famous fulmination of the Pope against the comet. And the proclamation of the King was looked upon even by "the wise and virtuous George Washington and Chancellor Livingston" as an article to quiet the fears of the Indians while the occupancy of their country went on all the same. In addition to the natural stimulus to this tide of immigration, of the immense advantages of the soil and climate, was the artificial stimulus of special grants of land by the provinces of Great Britain, with the approval of the crown, to officers and soldiers who had served in the British Army against the French and their allies, the Indians. Thus the King's proclamation was in direct contravention of the grants authorized by a previous proclamation of the King. By this latter mentioned, but earlier issued proclamation, officers and soldiers were granted lands as follows: Every person having the rank of a field officer, 5,000 acres; every captain, 3,000 acres; every subaltern or staff officer, 2,000 acres; every non-commissioned officer, 200 acres, and every private fifty acres. These officers and soldiers, with scrip and military warrants in their hands, were constantly employed in selecting and locating their claims. These continued encroachments kept the Indian tribes in a state of dissatisfaction and

alarm, but though thus exasperated they refrained from open hostilities. Because of these encroachments and alarms the royal Government instructed the superintendents of Indian affairs to establish boundary lines between the whites and Indians, and to purchase from the Indians the lands already occupied, to which the title had not been extinguished.

Capt. John Stuart was at this time superintendent of southern Indian affairs. On the 14th of October, 1768, Capt. Stuart concluded a treaty with the Cherokees at Hard Labour, S. C., by which the southwestern boundary of Virginia was fixed as follows: "Extending from the point where the northern line of North Carolina intersects the Cherokee hunting grounds, about thirty-six miles east of Long Island, in the Holston River; thence extending in a direct course, north by east, to Chiswell's Mine on the east bank of the Kanawha River, and thence down that stream to its junction with the Ohio."

To follow the instructions of the royal Government in regard to purchasing the lands already occupied by the Indians was not easy of accomplishment, because of the uncertainty as to which Indian tribe or tribes were the rightful proprietors of the soil. At the time of its earliest exploration the vast extent of country between the Ohio and Tennessee Rivers was unoccupied by any Indian tribe. Indian settlements existed on the Scioto and Miami Rivers on the north, and on the Little Tennessee on the south. Between these limits existed a magnificent forest park, abounding in a great variety of game, which was thus the hunting ground of the Choctaws, Chickasaws and Cherokees of the south, and of the various tribes composing the Miami Confederacy of the north. It also served as a kind of central theater for the enactment of desperate conflicts of savage warriors and deadly enemies. Why this great extent of valuable country was, as by common consent of all the surrounding Indian tribes, left unoccupied will probably always remain unexplained except by conjecture. But though not inhabited by any tribe or nation, title to it was claimed by the confederacy of the Six Nations, and this confederacy, by a deputation sent to the superintendent of Indian affairs in the north, on the 6th of May, 1768, presented a formal remonstrance against the continued encroachments upon these lands. Upon consideration by the royal government of this remonstrance, instructions were issued to Sir William Johnson, superintendent, to convene the chiefs and warriors of the tribes most interested. Accordingly this convention was held at Fort Stanwix, N. Y., October 24; 3,200 Indians of seventeen different tribes attended, and on the 5th of November a treaty and a deed of cession to the King were signed. In this the delegates from their respective nations declared themselves to be "the

true and absolute proprietors of the lands thus ceded," and that they had "continued the line south to the Cherokee or Hogohegee River because the same is our true bounds with the southern Indians, and that we have an undoubted right to the country as far south as that river." This was the first deed from any aboriginal tribe for any lands within the present boundaries of Tennessee.

The Watauga Settlement.—Dr. Thomas Walker was Virginia's commissioner to the convention at Fort Stanwix. Upon his return he brought with him the news of the cession. At the treaty at Hard Labour the Indians had assented to an expulsion of the Holston settlements, and as a consequence the nucleus was formed of the first permanent settlement within the limits of Tennessee, in the latter part of December, 1768, and the early part of January, 1769. It was merely an enlargement of the Virginia settlements, and was believed to be in Virginia—the boundary line between Virginia and North Carolina not having been established west of Steep Rock. The settlers were principally from North Carolina, and some of them had been among the troops raised by that province and sent in 1760 to the relief of Fort Loudon, and others had wintered in 1758 at Fort Long Island, around which a temporary settlement had been made but broken up.

About the time of the incipency of the Watauga settlement Capt. William Bean came from Pittsylvania County, Va., and settled with his family on Boone's Creek, a tributary of the Watauga. His son, Russell Bean, was the first white child born in Tennessee. Bean's Station was named after him. About a month after Daniel Boone "left his peaceful habitation on the Yadkin River, in quest of the country of Kentucky," a large company was formed for the purpose of exploring and hunting in Middle Tennessee. Some of them were from North Carolina, some from the vicinity of the Natural Bridge and others from Ingle's Ferry, Va. Some of their names are here introduced: John Rains, Casper Mansker, Abraham Bledsoe, John Baker, Joseph Drake, Obadiah Terrell, Uriah Stone, Henry Smith, Ned Cowan and Robert Crockett. They established a rendezvous on New River, eight miles below Fort Chissel, and passing through Cumberland Gap, discovered southern Kentucky and fixed a station camp at what has since been known as Price's Meadow, in Wayne County. Robert Crockett was killed near the head waters of Roaring River, and after hunting eight or nine months the rest of the party returned home in April, 1770. After their return a party of about forty stout hunters was formed for the purpose of hunting and trapping west of the Cumberland. This party was led by Col. James Knox, who, with nine others, reached the lower Cumberland, and after a long absence,

having made an extensive tour, returned home and won the appellation of the "Long Hunters."

The settlement on the Watauga continued to receive considerable accessions to its numbers, both from North and South Carolina and Virginia. This was in part because of the comparatively unproductive hills and valleys of those provinces and because of the absence of courts in South Carolina outside of the capital of the State previous to 1770. In this latter province the people felt under the necessity of taking the law into their own hands, and punished offenders by organized bodies of regulators. The regulators were opposed by the Scovillites, so named after their leader Scovil, who was commissioned by the governor to operate against the regulators, and from North Carolina the inhabitants were driven in part by the determination of the British Government to quarter troops in America at the expense of the colonies and to raise a revenue by a general stamp duty. After the defeat of the regulators by Gov. Tryon on the Alamance May 16, 1771, numbers of them proceeded to the mountains and found a cordial welcome in Watauga, remote from official power and oppression. While these movements were in progress the settlements were spreading beyond the limits established at Hard Labour and a new boundary had been agreed upon by a new treaty signed at Lochaber October 18, 1770. The new line extended from the south branch of Holston River, six miles east of Long Island, to the mouth of the Great Kanawha.

At that time the Holston River was considered the boundary line between Virginia and North Carolina. The Legislature of Virginia passed an act granting to every actual settler having a log cabin erected and some ground cultivated the right to 400 acres of land so located as to include his improvement, and subsequently extended the right to each settler to purchase 1,000 acres adjoining at a merely nominal cost. This generous action on the part of the Legislature of Virginia greatly stimulated immigration to the West, where every man could easily secure a valuable estate. Crowds immediately advanced to secure the proffered fortune, and afterward, when the boundary line was run, they found themselves in North Carolina. But most of the new arrivals at Watauga came from North Carolina. Among those who came about this time was Daniel Boone, at the head of a party of immigrants, he acting merely as guide, which he continued to do until his death in 1820 or 1822.

Early in 1770 came James Robertson, from Wake County, N. C., who, henceforth, for many years was destined to be one of the most useful and prominent of the pioneers of Tennessee. He visited the new settlements forming on the Watauga, and found a settler named Honey-

catt living in a hut, who furnished him with food. On his return home he lost his way, and after wandering about for some time, nearly starving to death, he at length reached home in safety and soon afterward settled on the Watauga. During this same year hunting was carried on in the lower Cumberland country by a party composed of Mr. Mansker, Uriah Stone, John Baker, Thomas Gordon, Humphrey Hogan and Cadi Brook and four others. They built two boats and two trapping canoes, loaded them with the results of their hunting and descended the Cumberland, the first navigation and commerce probably carried on upon that stream. Where Nashville now stands they discovered the French Lick, surrounded by immense numbers of buffalo and other wild game. Near the lick on a mound they found a stock fort, built, as they thought, by the Cherokees on their retreat from the battle at Chickasaw Old Fields. The party descended the Cumberland to the Ohio, met John Brown, the mountain leader, marching against the Senecas, descended the Ohio, meeting Frenchmen trading with the Illinois, and continued their voyage to Natchez, where some of them remained, while Mansker and Baker returned to New River.

In the autumn of 1771 the lower Cumberland was further explored by Mansker, John Montgomery, Isaac Bledsoe, Joseph Drake, Henry Suggs, James Knox, William and David Lynch, Christopher Stoph and William Allen. The names of most of this company are now connected with different natural objects, as Mansker's Lick, Drake's Pond, Drake's Lick, Bledsoe's Lick, etc. After hunting some time and exhausting their ammunition they returned to the settlements.

In the meantime the Holston and Watauga settlements were receiving a steady stream of emigration. Most of those who came were honest, industrious pioneers, but there were those who did not possess these characteristics. These had fled from justice, hoping that in the almost inaccessible retreats of the frontiers to escape the punishment due them for their crimes. Here, from the necessities of their surroundings, they did find safety from prosecution and conviction. The inhabitants north of the Holston believing themselves to be in Virginia, agreed to be governed by the laws of that province. South of Holston was admitted to be in North Carolina, and here the settlers lived without law or protection except by such regulations as they themselves adopted.*

In 1772 Virginia made a treaty with the Cherokees by which it was decided to run a boundary line west from White Top Mountain in latitude thirty-six degrees thirty minutes. Soon after a deputy agent for the Government of Great Britain, Alexander Cameron, resident among the Cher-

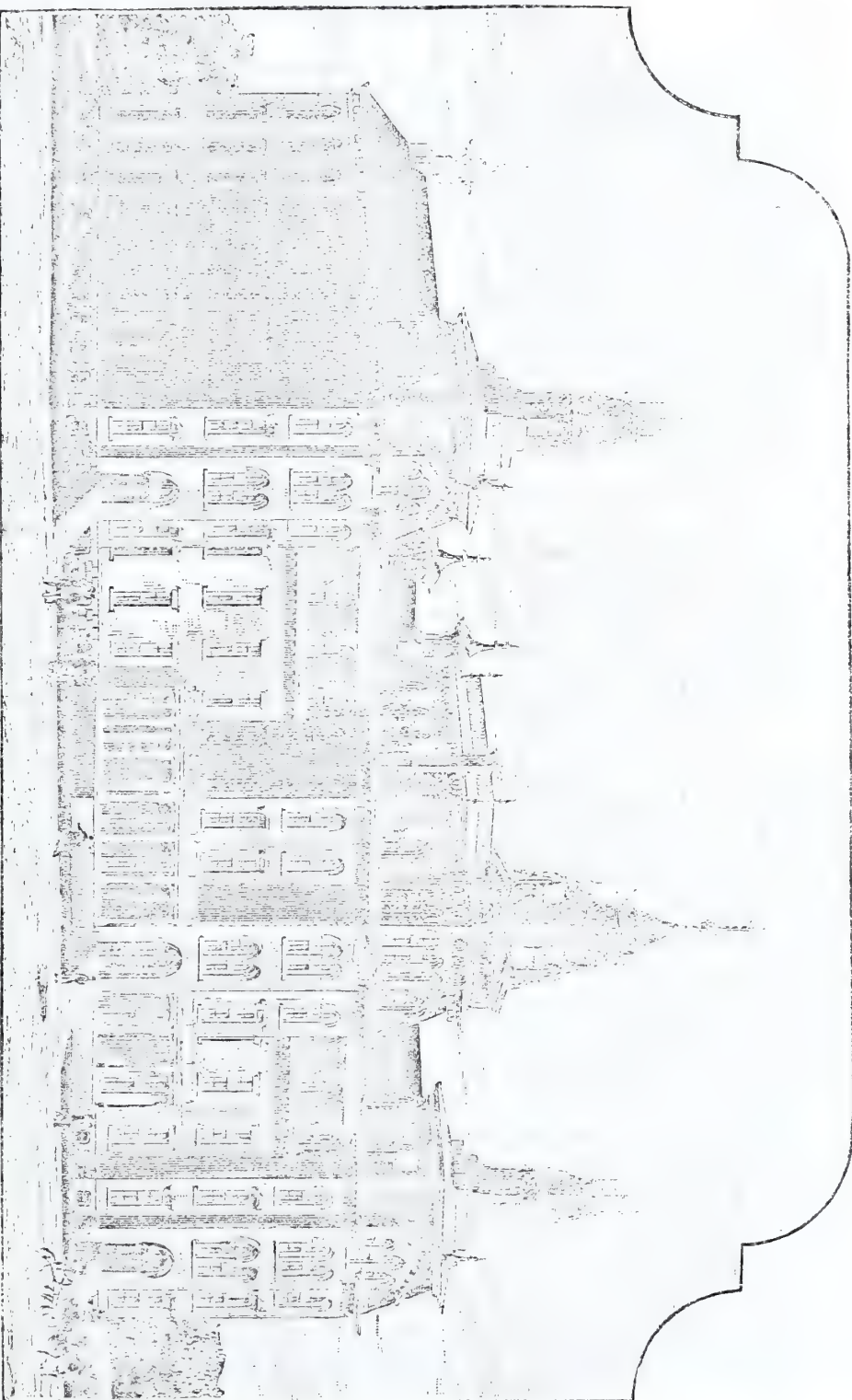
*See chapter on organization.

okees, ordered the settlers on the Watauga to move off. But some of the Cherokees expressing a wish that they might be permitted to remain provided no further encroachments were made, the necessity for their removal was avoided. But being still uneasy the settlers deputed James Robertson and John Boone to negotiate with the Indians for a lease. The deputies succeeded in effecting a lease for eight years for about \$5,000 worth of merchandise, some muskets and other articles.

About this time the Nollichucky Valley was settled by Jacob Brown and one or two others upon the northern bank of the river. These families were from North Carolina. Brown bought a lease of a large tract of land with a small quantity of goods which he had brought from his former home on his pack horse. A little before Brown made his settlement on the Nollichucky, Carter's Valley was settled by Carter, Parker and others from Virginia, Carter's Valley being north of the Holston was thought to be in Virginia. Carter & Parker opened a small store which was soon afterward robbed by the Indians, it was supposed by the Cherokees, but no serious consequences followed. But the wanton killing of an Indian at the time of the execution of the Watauga lease, came near precipitating a conflict between the two races, which might have entirely destroyed the frontier settlements. James Robertson came to their relief and by his wisdom and intrepidity saved them from extermination by the outraged Cherokees. Robertson made a journey of 150 miles, and by his courage, calmness and fairness, by his assurances to the Indians that the white men intended to punish the murderer as soon as he could be found, saved the settlers from the fury of the savages.

Two important events followed, viz.: The battle of Point Pleasant, and Henderson's Treaty. (For account of these events see elsewhere.) By this treaty of Henderson all that tract of country lying between the Kentucky and Cumberland Rivers was relinquished to Henderson and his associates. This purchase was named Transylvania, and the establishment of an independent government was at first contemplated. During the progress of this treaty which was concluded at Sycamore Shoals. Carter & Parker whose store had been robbed by Indians, as narrated above, demanded, in compensation for the loss inflicted upon them, Carter's Valley, to extend from Cloud's Creek to the Chimney Top Mountain of Beech Creek. The Indians consented to this upon the condition of additional consideration, and in order to enable them to advance the price Messrs. Carter & Parker took Robert Lucas into partnership. These lands were afterward found to be in North Carolina.

The Watauga Association, holding their lands under an eight years' lease, were desirous of obtaining a title in fee. Two days after the Hen-



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derson purchase they succeeded in securing a deed of conveyance to Charles Robertson of a large extent of country. It was made March 19, 1775, and is recorded in the register's office of Washington County. This deed was signed by Oconostota, Attakullakulla, Tennesee Warrior and Willinawaugh in presence of John Sevier, William Bailey Smith, Jesse Benton, Tillman Dixon, William Blevins and Thomas Price, and conveyed for the sum of £2,000 lawful money of Great Britain, all that tract of land, including all the waters of the Watauga, part of the waters of Holston and the head branches of New River, or Great Kanawha. These lands were afterward regularly patented to the settlers, the first patentee being Joshua Haughton. But it is proper here to refer to a deed to Jacob Brown by which for the consideration of 10 shillings, a "principality" was conveyed to him embracing much of the best land in Washington and Greene Counties. This deed was dated March 25, 1775.

At this time the colonial government claimed the exclusive right to purchase lands of the Indians as one of the prerogatives of sovereignty, and Gov. Martin pronounced the purchase, at Watauga, of the Cherokee lands illegal, alleging in his proclamation against it that it was made in violation of the king's proclamation of October 7, 1763, the effect of which proclamation has been already described as a *brutum fulmen*. This proclamation of Gov. Martin was equally harmless.

The Watauga settlement constantly increased in numbers, and the tribunal consisting of five commissioners chosen by themselves settled all controversies arising among the people. Its sessions were held at regular intervals, and its business increased with the growth of the colony. No records of this court have been discovered, but while searching among the public papers of North Carolina, Dr. Ramsey found a petition from the Watauga settlement praying to be annexed to North Carolina as a county, as a district, or as some other division. This petition is without a date, and is in the hand-writing of John Sevier. The chairman of the meeting which adopted it was John Carter, whose grandson was chairman of the Constitutional Convention of 1834. The petition was received by the general assembly of North Carolina, August 22, 1776, and was signed by 112 persons. It commences thus: "The humble petition of the inhabitants of Washington District, including the River Wataugah, Nonachuckie, etc., in committee assembled, humbly sheweth, etc." The committee who drew up this petition were as follows: John Carter, chairman; Charles Robertson, James Robertson, Zachariah Isbell, John Sevier, James Smith, Jacob Brown, William Bean, John Jones, George Russell, Jacob Womack and Robert Lucas. The name Washington Dis-

trict is believed to have been suggested by John Sevier, and thus the pioneers of Tennessee were probably the first to honor Washington.

The Provincial Congress convened at Halifax, November 12, 1776, and continued in session until December 18. From "Washington District, Watauga Settlement," were present John Carter, Charles Robertson, John Haile and John Sevier; Jacob Womack was elected, but did not attend. A bill of rights and a State constitution were adopted, in the former of which the limits of the State are made to extend westward "so far as is mentioned in the charter of King Charles the Second, to the late proprietors of Carolina." The following clause is also in the Declaration of Rights, "That it shall not be construed so as to prevent the establishment of one or more governments westward of this State, by consent of the Legislature."

While these events were in progress, other events were either transpiring or in embryo, which were of transcendent importance to the three centers of settlement—at Carter's at Watauga, and at Brown's. Difficulties between Great Britain and her American colonies had already commenced, the dawn of the American Revolution was at hand. Every means was to be employed by the mother country in reducing to submission her refractory subjects, one of those measures being to arm the neighboring Indian tribes and to stimulate them to fall upon and destroy the feeble settlements on the frontier.

The war with the Cherokees having happily come to an end, and prosperity having returned to the settlements, a treaty was made with them, and signed July 20, 1777. In April of that year the Legislature of North Carolina passed an act for the purpose of encouraging the militia and volunteers in prosecuting the war against the Cherokees.

At the same session an act was passed establishing Washington District, appointing justices of the peace, and establishing courts of pleas and quarter sessions. In November following, Washington County was created, to which was assigned the entire territory of the present State of Tennessee. A land office was provided for in Washington County, and each head of a family was permitted to take up for himself 640 acres of land, for his wife 100 acres, and 100 acres for each of his children. The ease and small expense with which land entries could be made, led numerous poor men westward, for without a dollar in his pocket the immigrant, upon arriving at the distant frontier, and upon selecting a homestead, at once became a large land-owner, and almost instantaneously acquired a competency and an independency for himself and his family. These men brought no wealth, but they did bring what was of more value—industry, frugality, hardihood, courage, economy and self-reli-

ance—and of such material was the foundation of society in the future great State of Tennessee composed. During this year a road was laid out and marked from the court house in Washington County to the county of Burke; and the first house covered with shingles was put up a few miles east of where Jonesboro now stands. In 1778 the Warm Springs on the French Broad were accidentally discovered by Henry Reynolds and Thomas Morgan.

By the treaty made at Watauga in March, 1775, which has been already alluded to, the Cherokees deeded to Henderson & Co. all the lands between the Kentucky and Cumberland Rivers. A portion of this purchase was within the supposed boundary of North Carolina, and numbers of explorers continued to pass through Cumberland Gap on their way to Middle Tennessee. Among them Mansker renewed his visits in November, 1775, and accompanied by Bryant and others encamped at Mansker Lick. Mansker and three others remained hunting and trapping on the Sulphur Fork of Red River. Thomas Sharp, Holliday, Spencer and others came in 1776 to the Cumberland and built a number of cabins. The rest returning, Spencer and Holliday remained until 1779. Capt. De Munbreun came to Middle Tennessee about 1775 and established his residence at Eaton's Station. He hunted through Montgomery County, and during the summer of 1777 he saw some parties at Deacon's Pond, near the present site of Palmyra. In 1778 a settlement was formed near Bledsoe's Lick in the heart of the Chickasaw Nation, and about the same time a party of French erected a trading post at "The Bluff," with the approval of the Chickasaws. Other parties kept coming to the lower Cumberland. Richard Hogan, Spencer, Holliday and others were there, and in the spring of 1778 they planted a small field of corn, the first plantation in Middle Tennessee. A large hollow tree stood near Bledsoe's Lick in which Spencer lived. Holliday, becoming dissatisfied, was determined to leave the country, and Spencer, unable to dissuade him from his purpose, accompanied him to the barrens of Kentucky, breaking and giving to Holliday one half of his own knife, and returned to his hollow tree, where he spent the remainder of the winter. Spencer was a very large man, and one morning, having passed the cabin occupied by one of De Munbreun's hunters, and left his immense tracks in the rich alluvial soil; which were discovered by the hunter on his return, the hunter became affrighted, immediately swam the Cumberland and wandered through the woods until he reached the French settlements on the Wabash.

In 1779 there was nothing in the valley of the lower Cumberland, except the hunter's camp and the lonely log habitation of Spencer. But

in the spring of that year a small party of brave pioneers left the parent settlement on the Watauga, crossed the Cumberland Mountains, and, arriving at the French Lick, pitched their tents and planted a field of corn on the present site of Nashville. This was near the lower ferry, and the party consisted of Capt. James Robertson, George Freeland, William Neely, Edward Swanson, James Hanly, Mark Robertson, Zachariah White and William Overall. A number of others, piloted by Mansker, soon joined this party. Having put in their crop of corn White, Swanson and Overall remained to care for it, while the rest returned to their families, Capt. Robertson by the way of Illinois to see Gen. George Rogers Clarke. Upon their return to the Watauga John Rains and others were persuaded to accompany Robertson to the French Lick. Other companies also were induced to join them, and at length a party of from 200 to 300 was collected, which in the fall started to the new settlement where Nashville now stands. Their route lay through Cumberland Gap and along the Kentucky trace to Whitley's Station; thence to Carpenter's Station, on Green River; thence to Robertson's Fork; thence down Green River to Pitman's Station; thence crossing and descending that river to Little Barren, crossing it at Elk Lick; thence past the Blue and Dripping Springs to Big Barren; thence up Drake's Creek to a bituminous spring; thence to the Maple Swamp; thence to Red River at Kilgore's Station; thence to Mansker's Creek and thence to the French Lick. The time consumed in this journey does not appear, but it was longer than was anticipated, on account of the depth of the snow and the inclemency of the weather, and they did not arrive at their destination until about the beginning of the year 1780. Some of them remained on the north side of the Cumberland and settled at or near Eaton's Station, but most of them, immediately after their arrival, crossed the river upon the ice, and settled where Nashville now stands. Both parties, those who remained on the north side of the river and those who crossed over to the south side, built block-houses, connected by stockades, as a defense against possible, and as they believed probable, future attacks upon them by the Indians, and the logic of events proved the wisdom of their course. Freeland's Station was established about this time, and likewise Dead-erick's Station by John Rains.

While these brave and hardy adventurers were pursuing their perilous journey through the wilderness of Kentucky and Tennessee, several boat loads of other adventurers, no less brave and no less hardy, were pursuing even a still more perilous journey down the Tennessee, up the Ohio and up the Cumberland, having in view the same objective point. This latter party was composed of friends and relatives of the former to

a considerable extent. They started from Fort Patrick Henry, near Long Island, and were commanded by Col. John Donelson, the projector of the voyage. Col. Donelson kept a journal, giving full particulars of the remarkable adventure, the principal parts of which are here inserted:

"Journal of a voyage intended, by God's permission, in the good boat 'Adventure,' from Fort Patrick Henry on Holston River to the French Salt Spring on Cumberland River, kept by John Donaldson.

"December 22, 1779.—Took our departure from the fort and fell down the river to the mouth of Reedy Creek, where we were stopped by the fall of water and most excessive hard frost, and after much delay and many difficulties we arrived at the mouth of Cloud's Creek on Sunday evening the 20th of February, 1780, where we lay by until Sunday, 27th, when we took our departure with sundry other vessels, bound for the same voyage, and on the same day struck the Poor Valley Shoal, together with Mr. Boyd and Mr. Rounsifer, on which shoal we lay that afternoon and succeeding night in great distress.

"Monday, February 28, 1780.—In the morning, the water rising, we got off the shoal, after landing thirty persons to lighten the boat. In attempting to land on an island we received some damage and lost sundry articles, and came to camp on the south shore, where we joined sundry other vessels, also bound down. * * * * *

"March 2d.—Rain about half the day; passed the mouth of French Broad River, and about 12 o'clock, Mr. Henry's boat being driven on the point of an island by the force of the current, was sunk, the whole cargo much damaged and the crew's lives much endangered, which occasioned the whole fleet to put on shore and go to their assistance, but with much difficulty bailed her in order to take in her cargo again. The same afternoon Reuben Harrison went out a hunting and did not return that night, though many guns were fired to fetch him in.

"March 3d.—Early in the morning fired a four-pounder for the lost man; sent out sundry persons to search the woods for him; firing many guns that day and the succeeding night, but all without success, to the great grief of his parents and fellow travelers.

"Saturday 4th.—Proceeded on our voyage, leaving old Mr. Harrison with some other vessels to make further search for his lost son. About 10 o'clock the same day, found him a considerable distance down the river, where Mr. Benjamin Belew took him on board his boat. At 3 o'clock P. M., passed the mouth of Tennessee River, and camped on the south shore about ten miles below the Tennessee.

"Sunday 5th.—Cast off and got under way before sunrise; 12 o'clock passed the mouth of Clinch; came up with the Clinch River Company, whom he joined and camped, the evening proving rainy.

"Monday 6th.—Got under way before sunrise. * * * * *
Camped on the north shore where Capt. Hutching's negro man died, being much frosted in his feet and legs, of which he died.

"Tuesday 7th.—Got under way very early, the day proving very wintly, at S. S. W., and the river being wide occasioned a high sea, inso-much that some of the smaller crafts were in danger; therefore came to at the uppermost Chickamauga town, which was then evacuated, where we lay by that afternoon and camped that night. The wife of Ephraim was here delivered of a child. Mr. Peyton has gone through by land with Capt. Robertson.

"Wednesday 8th.—Cast off at 10 o'clock and proceeded down to an Indian village, which was inhabited, on the south side of the river; they insisted on us to 'come ashore,' called us brothers, and showed other signs of friendship, insomuch that Mr. John Caffrey and my son then on board took a canoe, which I had in tow, and were crossing over to them, the rest of the fleet having landed on the opposite shore. After they had gone some distance a half-breed, who called himself Archy Coody, with several other Indians, jumped into a canoe, met them, and advised them to return to the boat, which they did, together with Coody and several canoes which left the shore and followed directly after him. They appeared to be friendly. After distributing some presents among them, with which they seemed much pleased, we observed a number of Indians on the other side embarking in their canoes, armed and painted in red and black. Coody immediately made signs to his companions, ordering them to quit the boat, which they did; himself and another Indian remaining with us, and telling us to move off instantly. We had not gone far before we discovered a number of Indians armed and painted, proceeding down the river as it were to intercept us. Coody the half-breed and his companion sailed with us for some time, and telling us that we had passed all the towns and were out of danger, left us. But we had not gone far until we had come in sight of another town situated likewise on the south side of the river, nearly opposite a small island. Here they again invited us to come on shore, called us brothers, and observing the boats standing off for the opposite channel, told us that 'their side of the river was better for the boats to pass.' And here we must regret the unfortunate death of young Mr. Payne, on board Capt. Blackmore's boat, who was mortally wounded by reason of the boat running too near the northern shore opposite the town, where some of the enemies lay concealed, and the more tragical misfortune of poor Stuart, his family and friends, to the number of twenty-eight persons. This man had embarked with us for the western country, but his family being diseased with the

small-pox, it was agreed upon between him and the company that he should keep at some distance in the rear, for fear of the infection spreading, and he was warned each night when the encampment should take place by the sound of a horn. After we had passed the town, the Indians, having now collected to a considerable number, observing his helpless situation, singled off from the rest of the fleet, intercepted him, and killed and took prisoners the whole crew, to the great grief of the whole company, uncertain how soon they might share the same fate; their cries were distinctly heard by those boats in the rear.

"We still perceived them marching down the river in considerable bodies, keeping pace with us until the Cumberland Mountain withdrew them from our sight, when we were in hopes we had escaped them. We were now arrived at the place called the Whirl or Suck, where the river is compressed within less than half its common width above, by the Cumberland Mountain, which juts in on both sides. In passing through the upper part of these narrows, at a place described by Coody, which he termed the "Boiling Pot," a trivial accident had nearly ruined the expedition. One of the company, John Cotton, who was moving down in a large canoe, had attached it to Robert Cartwright's boat, into which he and his family had gone for safety. The canoe was here overturned and the little cargo lost. The company, pitying his distress, concluded to halt and assist him in recovering his property. They had landed on the northern shore at a level spot, and were going up to the place, when the Indians, to our astonishment, appeared immediately over us on the opposite cliffs, and commenced firing down upon us, which occasioned a precipitate retreat to the boats. We immediately moved off; the Indians lining the bluffs along continued their fire from the heights on our boats below, without doing any other injury than wounding four slightly. Jennings' boat was missing.

"We have now passed through the Whirl. The river widens with a placid and gentle current, and all the company appear to be in safety except the family of Jonathan Jennings, whose boat ran on a large rock projecting out from the northern shore, and was partly immersed in water immediately at the Whirl, where we were compelled to leave them, perhaps to be slaughtered by their merciless enemies. Continued to sail on that day and floated throughout the following night. * * *

"Friday 10th.—This morning about 4 o'clock we were surprised by the cries of "help poor Jennings" at some distance in the rear. He had discovered us by our fires, and came up in the most wretched condition. He states that as soon as the Indians discovered his situation they turned their whole attention to him, and kept up a most galling fire at

his boat. He ordered his wife, a son nearly grown, a young man who accompanied them, and his negro man and woman, to throw all his goods into the river, to lighten their boat for the purpose of getting her off, himself returning their fire as well as he could, being a good soldier and an expert marksman. But before they had accomplished their object his son, the young man, and the negro, jumped out of the boat and left them. Mr. Jennings, however, and the negro woman succeeded in unloading the boat, but chiefly through the efforts of Mrs. Jennings, who got out of the boat and shoved her off, but was near falling a victim to her own intrepidity on account of the boat starting so suddenly as soon as loosened from the rock. Upon examination he appears to have made a wonderful escape, for his boat is pierced in numberless places with bullets. It is to be remarked that Mrs. Peyton, who was the night before delivered of an infant, which was unfortunately killed upon the hurry and confusion consequent upon such a disaster, assisted them, being frequently exposed to wet and cold then and afterward, and that her health appears to be good at this time and I think and hope she will do well. Their clothes were much cut with bullets especially Mrs. Jennings'.

* * * * *

"Sunday 12th.—Set out, and after a few hours' sailing heard the crowing of cocks and soon came within view of the town; here they fired on us again without doing any injury.

"After running until about 10 o'clock came in sight of the Muscle Shoals. Halted on the northern shore at the appearance of the shoals, to search for the signs Capt. James Robertson was to make for us at that place. He set out from Holston early in the fall of 1779, was to proceed by the way of Kentucky to the Big Salt Lick on Cumberland River, with several others in company, was to come across from the Big Salt Lick to the upper end of the shoals, there to make such signs that we might know he had been there and that it was practicable for us to go across by land. But to our great mortification we can find none—from which we conclude that it would not be prudent to make the attempt, and are determined, knowing ourselves to be in such imminent danger, to pursue our journey down the river. After trimming our boats in the best manner possible we ran through the shoals before night. * * *

Our boats frequently dragged on the bottom; * * * they warped as much as in a rough sea. But by the hand of Providence we are preserved from this danger also. I know not the length of this wonderful shoal; it had been represented to me to be twenty-five or thirty miles. If so we must have descended very rapidly, as indeed we did, for we passed it in about three hours. * * *

"Wednesday 15th.—Got under way and moved on peaceably the five following days, when we arrived at the mouth of the Tennessee on Monday, the 20th, and landed on the lower point immediately on the bank of the Ohio. Our situation here is truly disagreeable. The river is very high and the current rapid, our boats not constructed for the purpose of stemming a rapid stream, our provisions exhausted, the crews almost worn down with hunger and fatigue, and we know not what distance we have to go, or what time it will take us to reach our place of destination. The scene is rendered still more melancholy, as several boats will not attempt to ascend the rapid current. Some intend to descend the Mississippi to Natchez, others are bound for the Illinois—among the rest my son-in-law and daughter. We now part perhaps to meet no more, for I am determined to pursue my course, happen what will. * * * *

"Friday 24th.—About 3 o'clock came to the mouth of a river which I thought was the Cumberland. Some of the company declared it could not be—it was so much smaller than was expected. But I never heard of any river running in between the Cumberland and Tennessee. We determined, however, to make the trial, pushed up some distance and encamped for the night.

"Saturday, 25th.—To-day we are much encouraged. The river grows wider; the current is gentle and we are now convinced it is the Cumberland. * * * *

"Friday, 31st.—Set out this day, and after running some distance met with Col. Richard Henderson, who was running the line between Virginia and North Carolina. At this meeting we were much rejoiced. * * * Camped at night near the mouth of a little river, at which place and below there is a handsome bottom of rich land. Here we found a pair of hewed mill-stones, set up for grinding, but appearing not to have been used for a long time.

"Proceeded on quietly until the 12th of April, at which time we came to the mouth of a little river running in on the north side, by Moses Renfro and his company, called Red River, upon which they intended to settle. Here they took leave of us. We proceeded up the Cumberland, nothing happening material until the 23d, when we reached the first settlement on the north side of the river, one mile and a half below the Big Salt Lick, and called Eaton's Station, after a man of that name, who with several other families came through Kentucky and settled there.

"Monday, April 24th.—This day we arrived at our journey's end, at the Big Salt Lick, where we have the pleasure of finding Capt. Robertson and his company. It is a source of satisfaction to us to be enabled to restore to him and others their families and friends, who were intrusted

to our care, and who some time since, perhaps, they despaired of ever meeting again. Though our prospects at present are dreary, we have found a few log cabins, which have been built on a cedar bluff above the Lick by Capt. Robertson and his company."

This journal here presented may be found in full in Ramsey. In copying out of his work, unimportant portions have been omitted for the sake of saving space. This emigration of Col. Donelson ranks as one of the most remarkable achievements in the settlement of the West, and as the names of the participators in the expedition have far more than a local interest, they are here inserted: John Donelson, Sr., Thomas Hutchings, John Catfrey, John Donelson, Jr., Mrs. James Robertson and five children, Mrs. Purnell, M. Rounsifer, James^d Cain, Isaac Neelly, Jonathan Jennings, Benjamin Belew, Peter Looney, Capt. John Blackmore, Moses Renfroe, William Crutchfield, James Johns, Hugh Henry, Sr., Benjamin Porter, Mrs. Mary Henry (widow), Frank Armstrong, Hugh Rogan, Daniel Chambers, Robert Cartwright, Mr. Stuart, David Gwinn, John Boyd, Reuben Harrison, Frank Haney, Mr. Maxwell, John Montgomery, John Cotton, Thomas Henry, John Cockrell, John White, Solomon White and Mr. Payne. The above list of names is copied from Putnam. Ramsey gives these additional ones: Isaac Lanier, Daniel Dunham, Joseph and James Renfroe, Solomon Turpin and John Gibson. There were other persons, men, women and children, whose names have not been preserved. The total number of persons in this expedition is not known, but from the best information obtainable there were at least thirty boats in the entire fleet, no one of which contained less than two families.

With reference to the fate of the three young men who ran away from Mr. Jennings, when his boat was attacked, as narrated in Capt. Donelson's journal, authorities are not agreed. Ramsey and John Carr agree in stating that the negro man was drowned, and that the young man, whose name is not given, was taken to Chickamauga Town, where he was killed and burned, and that young Jennings was ransomed by an Indian trader named Rogers, and afterward restored to his parents. Putnam, however, doubts the correctness of this narration, especially so far as it refers to the burning of the young man. He says "such cruelty and crime have not been clearly proven against them (the Indians)." But as both Ramsey and Carr say "they killed and burned the young man," it may justly be inferred that the "burning occurred after the killing," or, in other words, they killed and then burned the body of the young man, and thus the "cruelty and crime" would consist in the killing and not in the burning.

The capture of Stuart's boat and crew, among whom were the several

cases of small-pox, as narrated in Capt. Donelson's journal, resulted in great mortality among the Indians, many of whom were attacked by the disease with fatal results. It is said that when attacked and when the fever was upon them they took a "heavy sweat" in their houses, and then leaped into the river, the remedy being no less fatal than the disease itself. Putnam quotes approvingly from the "narrative of Col. Joseph Brown," that this mortality was "a judgment upon the Indians," though just how it can have been a judgment upon the Indians, any more than it and the capture and killing of so many of Stuart's family was a judgment on them, is not easily discernible.

CHAPTER V.

SETTLEMENT CONCLUDED—RESULTS OF DONELSON'S VOYAGE—THE FRENCH LICK—THE ESTABLISHMENT OF MANY BLOCK-HOUSES, STATIONS, ETC.—THE LONG REIGN OF TRYING TIMES—THE MILITARY WARRANTS AND GRANTS—PIONEER CUSTOMS—GOVERNMENT OF THE CUMBERLAND COLONY—THE EMIGRANT ROAD—COL. BROWN'S DISASTROUS VOYAGE—NORTH CAROLINA'S NEGLECT OF THE COLONIES—THEIR ISOLATION AND SUFFERING—THE TENNESSEE LAND COMPANY—NATIONAL EXECUTIVE INTERFERENCE—DESIGNS OF THE COMPANIES THWARTED BY THE EFFECTIVE ACTS OF THE CITIZENS OF GEORGIA—SUMMARY OF TENNESSEE LAND GRANTS—THE WESTERN PURCHASE—THE CHICKASAWS—ENTRY OF THE WHITES INTO WEST TENNESSEE—THE BLUFFS—PERMANENT SETTLEMENT—INCIDENTS AND ANECDOTES.

THE principal results of the emigration of Col. Donelson to Middle Tennessee were the establishment of the settlements at and near the Bluff and the subsequent formation of an independent government May 1, 1780, a number of years before the organization of the State of Franklin. Some of these early settlers plunged at once into the adjoining forests. Col. Donelson himself, with his family, being one of the number. He went up the Cumberland, and erected a small fort at a place since called Clover Bottom, near Stone River, and on the south side of that stream. Dr. Walker, Virginia's commissioner for running the boundary line between that State and North Carolina, arrived at the Bluff, accompanied by Col. Richard Henderson and his two brothers, Nathaniel and Pleasant. Col. Henderson erected a station on Stone River, remained there some time, and sold lands under the deed made to himself and partners at Watauga in March, 1775, by the Cherokees. The price charged for this land by Col. Henderson was \$10 per 1,000 acres. The certificate of purchase contained a clause by which it was set forth that payment for the land was conditioned on the confirmation of the Henderson

treaty by the proper authorities; but both the States of Virginia and North Carolina annulled his title, or rather declared it to be null and void *ab initio*, and refused to recognize the sales made by him or his company, and purchasers on contracts made with him were never urged to make payment for their lands. But notwithstanding the fact that the two States decided that the Transylvania Company had not by the purchase acquired any title to the lands, on the ground that private individuals had no power or right to make treaties with Indian tribes, yet they at the same time decided that the Indians had divested themselves of their title to them, and hence Transylvania became divided between the two States of North Carolina and Virginia. But each State, on account of the expenditures of the company and the labor to which they had been and the interest manifested by them in the welfare of the early settlers, made to them a grant of 200,000 acres. The Virginia grant was on the Ohio River in what is now Henderson County, Ky., and the North Carolina grant was bounded as follows: "Beginning at the old Indian town in Powell's Valley, running down Powell's River not less than four miles in width on one or both sides thereof to the junction of Powell and Clinch Rivers; then down Clinch River on one or both sides not less than twelve miles in width for the aforesaid complement of 200,000 acres." The remaining part of the land was devoted to public uses.

The little band of immigrants at the Bluff were in the midst of a vast extent of country apparently uninhabited by Indians. Savage tribes were to be found in all directions, but toward the south none were known to be north of the Tennessee, and toward the north none were known to be south of the Ohio. Apparently no lands within or near the new settlements were claimed by Creek or Cherokee, Chickasaw or Choctaw; hence a sense of safety soon manifested itself among the pioneers, and hence, also, many of them began to erect cabins for individual homes in the wild woods, on the barrens or on the prairie where no pathway or trace of animal or human could be seen; and in their anxiety to make improvements on their individual claims and to become independent, many of the more thoughtless of them were reluctant to devote much of their time and labor to the erection of forts, stockades and palisades to which all could retreat for mutual defense in case of an attack by the now apparently harmless lords of the soil. But this desire, laudable though it was when not carried to the extreme of imprudence, was by the wise and experienced among them sufficiently repressed to secure an agreement on the part of all to give a portion of their valuable time to the erection of a few forts and depositories for arms, ammunition and provisions.

The fort at the Bluffs, called Nashborough, in honor of Francis Nash, of North Carolina, a brigadier-general in the Continental Army, was to be the principal fort and headquarters for all. The others were as follows: Freeland's, at the spring in North Nashville; Eaton's, upon the east side of the river upon the first high land at the river bank; Gasper's, about ten miles north at the sulphur spring where now stands the town of Goodlettsville; Asher's, on Station Camp Creek, on the bluff, about three miles from Gallatin; Bledsoe's, near the sulphur spring about seven miles from Gallatin; Donelson's, on the Clover Bottom where the pike passes, and Fort Union, at the bend of the river above the Bluffs, where since has stood the town of Haysborough. "The fort at Nashborough stood upon the bluff between the southeast corner of the public square and Spring Street. Like the other forts it was a two-story log building with port holes and lookout station. Other log houses were near it and palisades were thrown entirely around the whole, the upper ends of the palisades or pickets being sharpened. There was one large entrance to the enclosure. The view toward the west and southwest was obstructed by a thick forest of cedars and a dense undergrowth of privet bushes. The rich bottom lands were covered with cane measuring from ten to twenty feet in height. The ancient forest trees upon the rich lands in this region were of a most majestic growth; all the elements of nature seem to have combined to make them what they were, and yet, although many of the loveliest sites for country residences have been hastily and unwisely stripped of their chief ornament and charm, and civilized man has speedily destroyed, by thousands in a year, such monarchs of the forest as a thousand years may not again produce, there remain here and there some lovely spots and glorious oaks not wholly dishonored or abased by the woodman's ax. There are a few, and but a few, of such native woods and magnificent trees remaining in the vicinity of the capital of Tennessee."*

As has been stated above the winter of 1779-80 was unusually severe, the Cumberland River being frozen over sufficiently solid to permit Robertson's party to cross upon the ice. The inclemency of the weather was such as to cause great inconvenience and suffering to the early settlers. It was impossible to keep warm in their cabins, necessarily loosely constructed, and the game upon which they depended in part for food was in an impoverished condition and poor. But while these evils resulted from this cause, there were also benefits enjoyed unconsciously to the settlers themselves. The Indians were themselves in as unsatisfactory condition, and as unprepared to make an attack upon the

*Putnam.

cabins as the people in the cabins were to successfully defend themselves against an attack; and during this interim of security from invasion by the savage tribes, which lasted until some time in May, 1780, the forts and other defenses were erected and strengthened, and numerous acquisitions were made to the numbers of the whites. Immigration had set in with a new impetus, the roads and traces to Kentucky and the Cumberland country being crowded with adventurers seeking independence and fortune in the new Eldorado of the West, which was in verity beautiful, fertile and grand; and it is not at all surprising that its native proprietors should at length muster all their strength, their wildest energies and fiercest passions, to dispossess the invaders and to repossess themselves of their own fair, delightful paradise. However, the attempt to accomplish this design soon convinced them that it could not be done by force of arms, the settlers being too strong, too resolute, and too well-defended; the only recourse therefore had was, if possible, to deprive the whites of food by driving away and dispersing the deer, buffalo and other wild game, which was commenced in the spring of 1780, and continued with such success for two or three years as to necessitate adventures by the stationers to far-off distances, and thus expose themselves to the dangers of ambush and attack by the lurking savage. This state of things rendered life at the Bluff and in the vicinity, anything but pleasant. Numbers wished they had never come, or that they had gone to other settlements where, being ignorant of the actual facts connected therewith, they imagined a greater degree of security and plenty reigned. But here, as in every community, there were a goodly number of brave-hearted men and women, who, having suffered in getting to their homes, put their trust in Providence and resolved to stay.

One of the causes which led to the rapid settlement of Tennessee, was the passage, by the General Assembly of North Carolina, of an "act for the relief of the officers and soldiers in the Continental line, and for other purposes," which was as follows:*

WHEREAS, The officers and soldiers of the Continental line of this State have suffered much by the depreciation of paper currency, as well as by the deficiency of clothing and other supplies that have been due them according to sundry acts and resolves of the General Assembly, and whereas, the honorable, the Continental Congress, have resolved that the deficiency shall be made good to the 18th day of August, 1780, according to a scale of depreciation established. And

* * * * *

WHEREAS, It is proper that some effectual and permanent reward should be rendered for the signal bravery and persevering zeal of the Continental officers and soldiers in the service of the State. Therefore

Be it enacted, etc., That each Continental soldier of the line of this State who is now in service, and continues to the end of the war, or such of them as from wounds or bodily

*Laws of 1782. Chapter III.

infirmity have been or shall be rendered unfit for service, which shall be ascertained by a certificate from the commanding officer, shall have six hundred and forty acres of land; every officer who is now in service, and shall continue in service until the end of the war, as well as those officers who from wounds or bodily infirmity have left or may be obliged to leave the service, shall have a greater quantity according to his pay as followeth: Each non-commissioned officer, one thousand acres; each subaltern, two thousand five hundred and sixty acres; each captain, three thousand eight hundred and forty acres; each major, four thousand eight hundred acres; each lieutenant-colonel, five thousand seven hundred and sixty acres; each lieutenant-colonel commandant, seven thousand two hundred acres; each colonel, seven thousand two hundred acres; each brigadier-general, twelve thousand acres; each chaplain, six thousand two hundred acres; each surgeon, four thousand eight hundred acres; each surgeon's mate, two thousand five hundred and sixty acres; and where any officer or soldier has fallen or shall fall in the defense of his country, his heirs or assigns shall have the same quantity of land that the officer or soldier would have been entitled to had they served during the war.

According to the next section of this act any family that had settled on the tract of land set apart to be divided up among the officers and soldiers should be entitled to 640 acres, provided that no such grant should include any salt lick or salt spring which were reserved with 640 acres in connection with each lick or spring for public purposes.

By the eighth section Absalom Tatom, Isaac Shelby and Anthony Bledsoe were appointed commissioners to lay off the land and they were to be accompanied by a guard of not more than 100 men.

By the tenth section Gen. Nathaniel Greene was allowed 25,000 acres of land, which by an act passed in 1784 was described as follows: "Beginning on the south bank of Duck River, on a sycamore, cherry tree and ash, at the mouth of a small branch, running thence along a line of marked trees south seven miles and forty-eight poles, to a Spanish oak, a hickory and a sugar sapling; thence east six miles and ninety poles, to a Spanish oak and hackberry tree; thence north three miles and 300 poles, to a sugar-tree sapling, and two white oak saplings into a clift of Duck River, where it comes from the northeast; thence down Duck River according to its meanderings to the beginning."

The Revolutionary war came to an end in November, 1782. Capt. Robertson anticipated this event and from it inferred an abatement of Indian hostilities. It was soon followed by the arrival from North Carolina of quite a number of persons, who gave additional strength and encouragement to the settlements. Early in 1783 the commissioners named above in the eighth section of the act for the relief of the officers and soldiers in the Continental line arrived from North Carolina accompanied by a guard to lay off the lands promised as bounties to the officers and soldiers of said Continental line. These commissioners also came to examine into the claims of those persons who considered themselves entitled to pre-emption rights granted to settlers on the Cumberland previous to 1780, and also to lay off the lands given to Gen. Greene. The

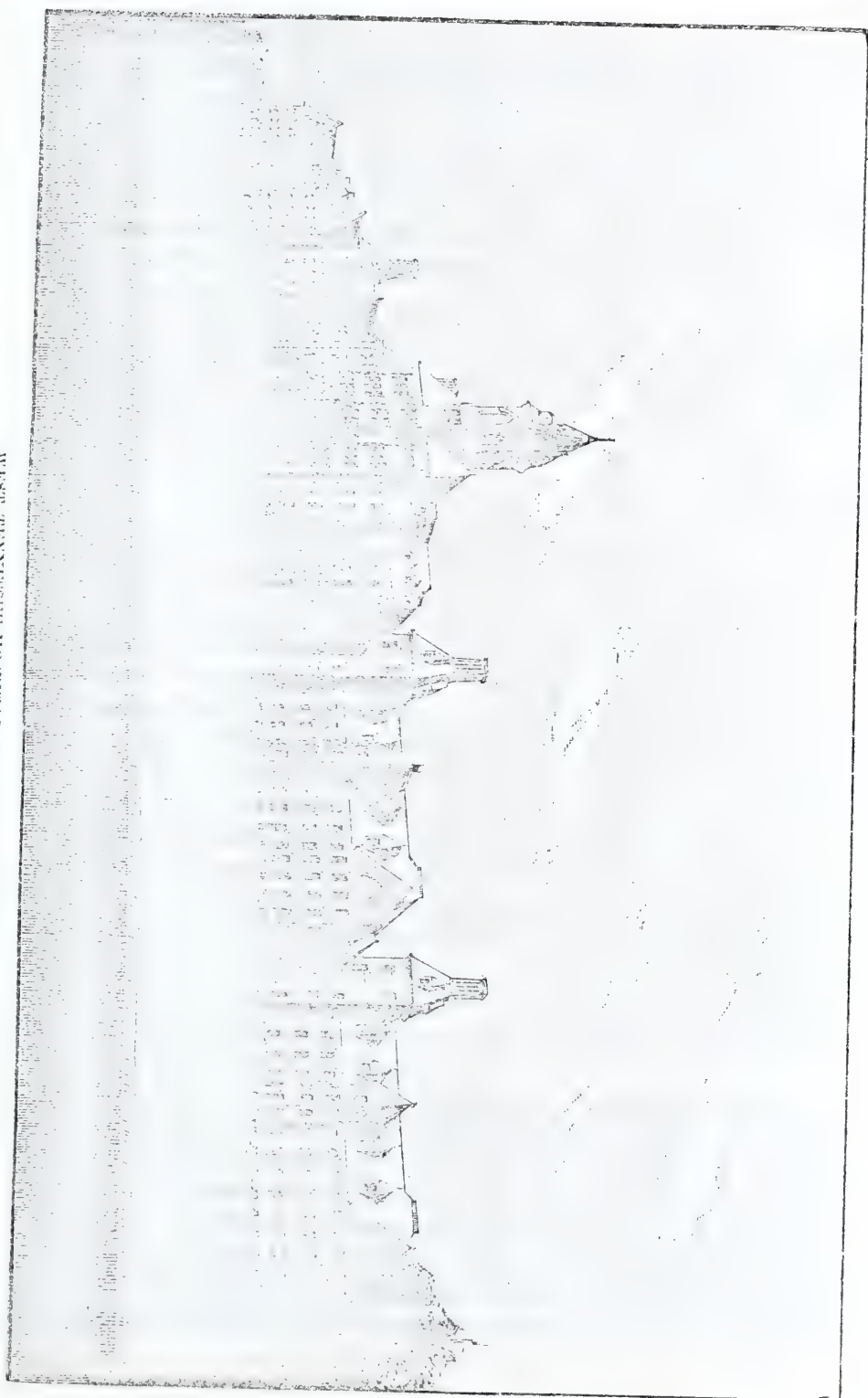
settlers, animated with new hope by the presence of all these additions to their numbers and strength, entirely abandoned the designs they had long entertained of leaving the country.

The commissioners and guards, with some of the inhabitants in company, went to the place since called Latitude Hill, on Elk River, to ascertain the thirty-fifth degree of north latitude, and there made observations. They then went north to Duck River to the second creek below Columbia and laid off Greene's 25,000 acres, and then fifty-five miles from the southern boundary of the State, and parallel thereto ran a line which received the name of the "Continental line," because it was the boundary of the territory allotted to the officers and soldiers of North Carolina in the Continental Army. But upon the representation, and at the request of the officers made to the General Assembly at the session of 1783, they directed it to be laid off from the northern boundary fifty-five miles to the south: Beginning on the Virginia line where the Cumberland River intersects the same; thence south fifty-five miles; thence west to the Tennessee River; thence down the Tennessee River to Virginia line; thence with the said Virginia line east to the beginning.* This line was run by Gen. Rutherford, in 1784, and named the "Commissioner's line." The Continental line passed the Harpeth River about five miles above the town of Franklin. The Commissioner's line included the land in the Great Bend of Tennessee—all lands on the east side of the Tennessee to the present Kentucky line. The method of running it was as follows: Commencing at the Kentucky line the commissioners ran south fifty-five miles to Mount Pisgah, then forming themselves into two parties, one party ran westward to the Tennessee and the other eastward to the Caney Fork.

Never were more generous bounties given to more deserving patriots. The war-worn veteran might here secure a competency, or perhaps even wealth or affluence to himself and children after the storm of battle had subsided, in the enjoyment of which he might pass the evening of life, serenely contemplating the great benefits derived and to be derived from the sacrifices himself and his compatriots had made in the establishment of the independence of the American nation. A vast emigration from North Carolina was the direct result of her generous action, insomuch that it was at one time estimated that nine-tenths of the population of Tennessee were from the mother State. And in addition to the bounties offered to the officers and soldiers of the Continental line, other bounties were offered to the guards of the commissioners who were appointed to lay off the reservation for the said officers and soldiers. These bounties

*Haywood.

WEST TENNESSEE HOSPITAL FOR THE INSANE.



were named "Guard Rights," and induced numerous individuals to become members of the guard, and numerous grants were located and settled upon by such individuals. After running the line as authorized by the General Assembly of North Carolina, the commissioners sat at the Bluff to examine into pre-emption claims and issued certificates to such as were entitled thereto. The commission then dissolved and Isaac Shelby removed to Kentucky, thus ceasing to be a citizen of Tennessee. Of Kentucky he became the first governor, and died suddenly July 18, 1826, in the seventy-sixth year of his age.

The commissioners having come and gone affairs again assumed their usual aspect at the Bluff. The people were employed in their ordinary labors, doing what could be done to improve their condition. Additions to their numbers continued to be made from North Carolina, and they were gratified to learn that even much larger numbers were added to the settlements in Kentucky. Goods began to be brought in by boats from the Ohio and its tributaries, but according to Putnam the first store at the Falls of the Ohio was supplied from Philadelphia, and the supplies carried on pack-horses. The second store was kept at Lexington by Col. (afterward Gen.) James Wilkinson, from which small supplies were purchased for the settlers on the Cumberland. Several years after this a small store was opened at the Bluff. Lardner Clark was the first merchant and ordinary-keeper, dealing in dry goods, thimblés and pins for ladies; dinners and liquors for men, and provender for horses. As one of the improvements made in that early day in the way of labor-saving machinery, it may not be inappropriate to introduce here a description of a hominy-mill invented and constructed by a Mr. Cartwright. It consisted mainly of a wheel, upon the rim of which he fastened a number of cows' horns, in such position that as each horn was filled with water its weight would cause it to descend and thus set the wheel in revolution. To the axle of this wheel was attached a crank, and to the crank the apparatus for cracking the corn. Thus many a little blow was made by the little pestle upon the quart of corn in the mortar. This mill was owned by Heyden and James Wells.

As to the general condition of affairs on the Cumberland the following description from Ramsey is probably as graphic and correct as can be composed: "As on the Watauga at its first settlement, so now here the colonists of Robertson were without any regularly organized government. The country was within the boundaries of Washington County, which extended to the Mississippi, perhaps the largest extent of territory ever embraced in a single county. But even here in the wilds of the Cumberland, removed more than 600 miles from their seat of government, the

people demonstrated again their adequacy to self-government. Soon after their arrival at the Bluff, the settlers appointed trustees, and signed a covenant obliging themselves to conform to the judgments and decisions of their officers, in whom they had invested the powers of government.* Those who signed the covenant had considerable advantages over those who did not; they were respectively allowed a tract of land, the quiet possession of which was guaranteed by the colony. Those who did not sign the covenant were considered as having no right to their lands, and could be dispossessed by a signer without any recourse. To the trustees were allowed in these days of primitive honesty and old-fashioned public spirit neither salaries nor fees. But to the clerk appointed by the trustees were given small perquisites as compensation for the expense of paper and stationery. The trustees were the executive of the colony, and had the whole government in their own hands; acting as the judiciary their decisions gave general satisfaction. To them were also committed the functions of the sacerdotal office in the celebration of the rites of matrimony. The founder of the colony, Capt. James Robertson, as might have been expected, was one of the trustees and was the first who married a couple. These were Capt. Leiper and his wife. Mr. James Shaw was also a trustee, and married Edward Swanson to Mrs. Carvin, James Freeland to Mrs. Maxwell, Cornelius Riddle to Miss Jane Mulherrin and John Tucker to Jenny Herrod, all in one day. The first child born in the country was John Saunders, since the sheriff of Montgomery County, and afterward killed on White River, Indiana, by the Indians. The second was Anna Wells. * * * *

"Under the patriarchal form of government, by trustees selected on account of their experience, probity and firmness, the colony was planted, defended, governed and provided for several years, and the administration of justice and the protection of rights, though simple and a little irregular, it is believed was as perfect and satisfactory as at any subsequent period in its history."

Approach to the Cumberland settlements previous to 1785 was generally through the wilderness of Kentucky, but at the November session of the General Assembly of North Carolina for this year, it enacted a law providing for a force of 300 men to protect these settlements, and it was made the duty of these soldiers or guards, to cut and clear a road from the lower end of Clinch Mountain to Nashville by the most eligible route. This road was to be at least ten feet wide and fit for the passage of wagons and carts. For the half of his first year's pay each private was allowed 400 acres of land, and for further services in the same pro-

* See chapter on Organization.

portion. The officers were to be paid in a similar manner. The road was opened during the year, after which the route was more direct, and immense numbers of the more wealthy people of the Atlantic sections sought the Cumberland over it. But as the guards were overburdened in protecting the settlements from Indian incursions and attacks; the road cut by them was not sufficient for the purpose of the vast immigration now pouring into the country. A wider and more level road was demanded, hence the road already cut was widened and another road was cut leading into it from Bledsoe's Lick. The field officers of the counties were authorized and directed, when informed that a number of families were at Cumberland Mountain waiting for an escort to conduct them to the Cumberland settlements, to raise militia guards, to consist of not more than fifty men to act as such escort. The expenses of these guards were to be defrayed by a poll tax which the county courts were authorized to levy. By the improvement in the roads and the protection provided for emigrants, great accessions were constantly made to the Cumberland settlements for the next succeeding years. Large numbers of families would concentrate on the banks of the Clinch, and attended by the guard would pass through the wilderness with little apprehension of trouble from the Indians on the way, and the settlements thus constantly strengthened soon secured a foretaste of that final triumph over discouragements and disasters by which they had so long been enfeebled and depressed. They became better prepared to repel savage aggressions, and at length able themselves to carry on an offensive warfare against the Indians. In fact the population of Davidson County increased so rapidly that for the convenience of the inhabitants living remote from Nashville, the seat of justice, it became necessary to divide the county and form a new one named Tennessee.

The records of Davidson County for the October term of 1787 contain a resolution that for the better furnishing of the troops now coming into the country under Maj. Evans with provisions, etc., one-fourth of the tax of the county should be paid in corn, two-fourths in beef, pork, bear meat and venison, one-eighth in salt, and one-eighth in money to defray the expense of moving the provisions from the place of collection to the troops. It was also provided that the price of corn should be 4 shillings per bushel, beef \$5 per hundred weight, pork \$8, good bear meat (without bones) \$8, venison 10 shillings per hundred weight, and salt \$16 per bushel. With reference to the currency the court, at its next April term, appointed Robert Hays, Anthony Hart and John Hunter a committee of inspection, with authority to destroy such of the bills as they believed to be counterfeit. This action was taken subsequent to the refusal of Jesse

Cain to receive the currency of the State, for which he was indicted by the grand jury April 7, 1787, but not punished. It will be noticed that the currency of the Cumberland was something to eat, while that of Franklin was something to wear.

In the *State Gazette* of North Carolina, under date of November 28, 1788, Col. Robertson published the following notice: "The new road from Campbell's Station to Nashville was opened on the 25th of September, and the guard attended at that time to escort such persons as were ready to proceed to Nashville; that about sixty families had gone on, among whom were the widow and family of the late Gen. Davidson, and John McNairy, judge of the Superior Court; and that on the 1st day of October next, the guard would attend at the same place for the same purpose."

Not long after this the General Assembly of North Carolina established a provision store on the frontier of Hawkins County at the house of John Adair, for the reception of beef, pork, flour and corn for the use of the Cumberland Guard when called on to conduct these emigrant parties through the wilderness, and John Adair was appointed a commissioner for the purchase of these provisions. In payment for them he was authorized to issue certificates receivable by the sheriff in the District of Washington in part payment of the public taxes in the counties of that district, from whom they were to be received by the treasurer of the State. It was also provided that when any person, wounded in the formation and defense of the Cumberland settlements, was unable to pay the expense of his treatment, the county courts should pass the accounts, and that accounts so passed should be received in payment of public taxes. The courts were also authorized to sell the several salt licks, heretofore reserved, at which salt could be manufactured, and to declare the others vacant and subject to entry as other public lands. Two of the licks of the first description were to be retained for the use of Davidson Academy.

The year 1788 was distinguished by the deplorable adventure of Col. James Brown, a Revolutionary officer in the North Carolina line. He was immigrating to the Cumberland to take possession of the lands allotted to him for his military services during the Revolution. His family consisted of himself, wife, five sons, four daughters and several negroes. Two of his sons were young men. Besides his immediate family, Col. Brown's party consisted of J. Bays, John Flood, John and William Gentry, and John Griffin. Being unwilling to expose his family to the dangers of an overland journey to the Cumberland, Col. Brown determined to go by water, following the famous example of Col. John Donelson, of eight years before. His boat was built on Holston, a short distance be-

low Long Island. It was fortified by placing two-inch oak plank all around above the gunwales. These were pierced with port-holes at proper distances, and a swivel-gun was placed in the stern of the boat. By taking these precautions he hoped to make the journey for his party safe, easy and pleasant. They embarked on the 4th of May, and on the 9th the party passed the Chickamauga towns about daybreak, and the Tuskegee Island town a little after sunrise. At this place the head man, Cuttey Otoy, and three other warriors, came on board and were kindly treated. Returning to the shore, they sent runners to Running Water Town and Nickajack to raise all the warriors they could to ascend the river and meet the boat. Not long after they had left the boat, Col. Brown's party saw a number of canoes ascending the river, evidently prepared to do mischief, if that were their intention. One of their number, John Vann, was a half-breed, and could speak English plainly. By pretending to be friendly, the Indians in the canoes came alongside Col. Brown's boat, boarded it, forced it to the shore, killed Col. Brown, and took all of the others prisoners. All of the men of the party were killed. Mrs. Brown and one daughter were retained prisoners for seventeen months; two of the daughters and one son were released about eleven months after their capture, and one little son was kept five years among the Creeks, at the end of which time he had forgotten the few English words he had learned at the time of his capture. The son of Col. Brown, released at the end of eleven months, was subsequently Col. Joseph Brown, of Maury County, Tenn. After his release, himself and other members of the family made a successful overland journey to the Cumberland, and settled about three miles below Nashville. Mrs. Brown was released through the aid of Col. McGilvery, the head man of the Creek nation, as was also one of her daughters. Few families suffered more from Indian atrocities than the Browns; Col. Brown, two sons, and three sons-in-law, were killed. another was shot in the right hand and cut about the wrist; another son, Joseph, and two daughters, were prisoners nearly a year; Mrs. Brown and another daughter were prisoners seventeen months, the former being driven on foot by the Creeks 200 miles, her feet blistered and suppurating, not being allowed time to take the gravel from her shoes; and a younger son was a prisoner five years. Gen. Sevier was at this time actively engaged in suppressing Indian hostilities, and it is to him credit is due for the exchange of prisoners effected. A full account of his operations will be found in the chapter on Indian history.

Not long after the fall of the Franklin government in the spring of 1788, it became evident that North Carolina, although opposed to the existence of that anomaly, was at the same time exceedingly economical

in the adoption of measures and in providing means for the welfare and protection of her western counties. This disposition on the part of the parent State soon revived the discontents and complaints of the western people, especially of those who had been in the Franklin revolt, and it soon became the general opinion on both sides of the Alleghany Mountains that a separation was not only the best policy for each but was also for the interest of both. The General Assembly acting upon this principle passed an act for the purpose of ceding to the United States certain western lands therein described, and in conformity with one of the provisions of this act, North Carolina's United States Senators, Samuel Johnston and Benjamin Hawkins, on the 25th of February, 1790, executed a deed of the territory ceded to the United States. On the 2d of the following April, the United States Congress accepted the deed and what is now Tennessee ceased to be a part of North Carolina.

One of the few last legislative enactments of North Carolina respecting her western territory was one establishing Rogersville in Hawkins County, in 1789. This was the last town established by North Carolina in Tennessee.

Having thus traced some of the principal events in settlements of the territory now comprising the State of Tennessee, it is proper to pause and consider the condition of things at the time the final cession was made to, and accepted by, the Congress of the United States. The settlements were comprised in two bodies or communities. That in East Tennessee extended from the Virginia line on the east, southwest to the waters of Little Tennessee, in the shape of a peninsula. Its length was about 150 miles, and its width from twenty-five to fifty. This narrow strip of inhabited country was bounded on the south by a constant succession of mountains claimed and in part occupied by the Indians, on the west by territory occupied by them, and on the north and northwest by the Clinch and Cumberland Mountains. And the settlements within these limits were confined mainly to the valleys of the Holston, Nollichucky and the French Broad and Little Rivers below the mountains. All the rest of East Tennessee was occupied by Cherokee villages or their hunting grounds. In this portion of the State, comprising what was then Washington District, there were about 30,000 inhabitants.

The other community was settled along the Cumberland River, and was almost entirely insulated from the community in East Tennessee. They were included in Mero District, and numbered about 7,000 inhabitants. The counties were Davidson, Tennessee and Sumner. Between these two sections thus distant from each other there was no direct and easy communication. By water the great obstacles were the rapids and

Muscle Shoals of the Tennessee River, and the ascent of the Ohio and Cumberland, and between the two a mountain chain and a wilderness intervened which could not well be traversed without a military guard.

West of the Tennessee River lay the territory claimed but unoccupied by the Chickasaws. Much of it was covered by grants from North Carolina but as yet none of it had been settled by white people. It furnished a thoroughfare through which intercommunication was continued for a considerable period between northern and southern tribes of Indians, and foreign emissaries who sought to involve the settlements in difficulties with the tribes. Spaniards were also residing in the towns of the Creeks and Choctaws, who themselves had no valid claim to the lands. Such was the state of affairs when the cession was made, and when the territory of the United States south of the Ohio River was organized, and when that accomplished gentleman, William Blount, of North Carolina, was appointed its governor by the President of the United States, George Washington.

An important transaction took place about this time with which several prominent citizens of Tennessee were connected either directly or indirectly. It was between the Legislature of the State of Georgia and the Tennessee Land Company. It would probably be very difficult to ascertain the names of all the members of this company, even if it were desirable so to do. The leading spirit, however, in the enterprise, was Zachariah Cox. Others who were either members of the company or interested in its operations were Matthias Maher, William Cox, James Hubbard, Peter Bryant, John Ruddle, Thomas Gilbert, John Strother, a Mr. Williams and a Mr. Gardiner, Gen. Sevier and Col. Donelson. The territory of Georgia then like that of North Carolina, extended westward to the Mississippi River, and the Legislature of that State considering itself authorized by the constitution so to do, and thinking it would be to the interest of their State, sold large quantities of land in its western territory to different companies, among these being the Tennessee Land Company. The tract of land thus purchased by this company lay upon the Great Bend of the Tennessee River and was bounded as follows: "Beginning at the mouth of Bear Creek, on the south bank of the Tennessee River; thence up the said creek to the most southern source thereof; thence due south to latitude thirty-four degrees and ten minutes; thence a due east course 120 miles; thence a due north course to the great Tennessee River; thence up the middle of said river to the northern boundary line of this State; thence a due west course along the said line to where it intersects the great Tennessee River below the Muscle Shoals; thence up the said river to the place of beginning." Within

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these limits were contained 3,500,000 acres of land, and the stipulated price was \$46,875. The act of the Legislature making this grant was passed December 21, 1789; \$12,000 was to be paid down, and 242,000 acres were to be reserved to the citizens of Georgia. Of this land Gen. Sevier had "ten or twenty thousand acres at the mouth of Blue Water Creek, which empties into the Tennessee near the head of Muscle Shoals, the right to which he afterward relinquished to the United States for the privilege of entering 5,000 acres of other unappropriated public lands." *

In view of the course taken by the United States toward those who attempted to settle upon this purchase, this statement is somewhat confusing. Zachariah Cox and Thomas Carr, as agents of the company, soon took measures to effect this settlement. From their territory they issued a notice September 2, 1790, that they would embark a large armed force at the mouth of French Broad. But little attention was paid to them by Gov. Blount, as it was supposed they were unable to start the expedition. But about January 10, 1791, Cox and about twenty-five or thirty others arrived at the place of embarkation, and began to make preparations in earnest to go down the river. The President of the United States, hearing of the purchase and intended occupation of these lands, issued a proclamation forbidding the settlement, and declaring those who made such settlement would be entirely outside the protection of the United States. Upon the receipt of a letter from the Secretary of War, dated January 13, 1791, Gov. Blount dispatched Maj. White, of Hawkins County, to make known to the company the tenor of the proclamation, and to inform them that if they went to the Muscle Shoals the Indians would be immediately notified of it and be at liberty to act toward them as they might think proper, without offense to the United States; and to inform them also that if the Indians would permit them to settle, the United States would not.

This communication for a time intimidated the company, but upon considering that in February a force of about 300 men from Kentucky intended to make a settlement near the Yazoo, upon land bought by the Virginia Yazoo Company, at the same time the Tennessee Company purchased their land, they determined to disregard the Federal prohibition and proceed with their enterprise. Zachariah Cox, Col. Hubbard, Peter Bryant and about fifteen others embarked at the mouth of the Dumplin in a small boat and two canoes for the purpose of taking possession of the Tennessee grant. With such a small party the enterprise of sailing down the river was hazardous in the extreme. Remembering the sad fate of Col.

* Putnam.

Brown three years before, they proceeded down the river with the utmost caution. "Below the Suck a small party of Indians came out in their canoes and hailed them. The same number of white men were sent out to meet them, advancing firmly with their rifles in their hands, but with orders not to fire till the last extremity. Their canoe floated down toward the Indians, who, observing their preparation for attack, withdrew and disappeared. A little further down night overtook the voyagers, and, when, from the dangers of navigation at night, it was proposed to steer to the shore, they saw upon the bank a row of fires, extending along the bottoms as far as they could see, and standing around them armed Indian warriors. They silenced their oars by pouring water upon the oar-pins, spoke not a word, but glided by as quietly as possible. * * * Several times next day the Indians tried by various artifices to decoy them to land. On one occasion three of them insisted, in English, to come and trade with them. After they had refused and passed by, 300 warriors rose out of ambush. * * * For three days and nights they did not land, but doubled on their oars, beating to the south side at night and to the middle of the river by day.*

Arriving at the Muscle Shoals Cox and his party built a block-house and other works of defense on an island. The Glass with about sixty Indians shortly afterward appeared, and informed the intruders that if they did not peacefully withdraw he would put them to death. Upon considering their defenseless condition as against a much superior force, they abandoned their works, which the Indians immediately reduced to ashes. Returning to Knoxville Cox and his associates were arrested upon a warrant by Judge Campbell to answer for their offense, but the indictments, two of which were sent to the grand jury, were not sustained as true bills. Thus Cox and his twenty young men from Georgia seemed to triumph over the Government, and were thereby encouraged to persevere in their attempt to settle at the Muscle Shoals. They soon found purchasers for many thousands of acres of land and made public declaration of their intention to make another attempt at settlement, and that they would do so with a great force drawn from Maryland, Virginia, North Carolina, South Carolina and Georgia. The time fixed upon for this grand movement was November, 1791, or as soon thereafter as their numbers could be collected. This movement, however, appears to have failed, and the failure was probably on account of the company's failure to comply with the terms of their purchase of the lands from Georgia.

For two or three years the matter remained in abeyance, but in 1794 the Legislature of Georgia passed another bill for the sale of the lands

*Ramsey.

which was vetoed by the Governor in December of that year. In January, 1795, a bill was passed which received the Governor's signature and became a law. Under this law an aggregate of 35,000,000 acres of land was sold to four companies, very nearly in proportion to the amounts paid by each company. The Georgia Company paid \$250,000, the Georgia-Mississippi Company paid \$155,000, the Upper Mississippi Company paid \$35,000 and the Tennessee Land Company paid \$60,000, the latter company receiving the same amount as under the first purchase in 1789. In August, 1795, a report was circulated that Cox and his associates intended making another attempt at the establishment of a settlement on the lands purchased from Georgia, and Gov. Blount recommended a regular military force to prevent them. In January, 1796, some individuals arrived from Georgia for the purpose of making a passage to the Muscle Shoals with the view of keeping possession there until a settlement could be established by the Tennessee Company. They gave out, however, that they were going to Natchez, and it was some time before the Governor could learn their true designs. On the 18th of February, 1796, he wrote a letter to the chiefs of Cherokees, informing them that about four weeks before that time a boat with many men had left Knoxville, ostensibly for Natchez, but really for the Muscle Shoals with the view of settling on the Great Bend of the Tennessee, and gave assurance to the chiefs that if such were the fact the United States would remove the intruders and that they, the Cherokees, need not be uneasy.

But the settlement under all of these purchases was effectually prevented by the action of the State of Georgia with reference to the sale of the lands, which is in itself a curious and interesting study. The entire populace of that State became intensely excited and most highly inflamed against the Legislature for selling the lands, and in 1796 the act by which the sale was made was repealed by a new Legislature elected for the purpose, by an overwhelming vote, on the ground of unconstitutionality and fraud, and the enrolled bill, passed January 7, 1795, was publicly and solemnly burned February 13, 1796, together with such portions of the records as could be destroyed without destroying other and valuable portions. And it is matter of tradition that the fire was kindled by means of a sun glass, upon the theory that the infamy sought to be cast upon the fair fame of the State could only appropriately be obliterated by fire brought down from heaven.

The following table shows the various land grants or appropriations by the State of North Carolina, within her western territory, now the State of Tennessee:

	Acres.	Acres.
Granted to claimants in the counties of Washington, Sullivan, Greene and Hawkins.....	879,262	
Granted to claimants in the Eastern, Middle and Western districts.....	1,271,280	
		2,150,542
Granted to the settlers on the Cumberland pre-emption.....		309,760
Granted to Maj.-Gen. Nathaniel Greene.....		25,000
Granted to the officers and soldiers in the Continental line.....	1,239,498	
Granted to ditto for which warrants had been granted, but for which grants had not been issued.....	1,594,726	
		2,834,224
Granted to the surveyor of the military lands for his services.....		30,203
Granted to the commissioners, surveyors, officers and guards, for ascertaining the bounds of the military lands.....		65,932
Total number of acres.....		5,415,661

The above statement was certified by J. Glasgow, secretary of state for North Carolina, July 30, 1791, and by Alexander Martin, governor, August 10, of the same year.

Settlement of West Tennessee.—That portion of Tennessee lying west of the Tennessee River was not settled—was not opened for settlement—until long after Tennessee became a flourishing and wealthy State. The lands in this section were owned and occupied by the Chickasaw tribe of Indians as far back as there is any authentic record. Their firm friendship for the whites, particularly the English, was something rather remarkable. They were first met by De Soto in his tour of conquest in 1540, a little above the southern boundary of the State, by whom he was treated with remarkable courtesy until he demanded of them 200 of their number to carry his baggage. He had spent the winter at their village. Chisca, and received many courtesies from them, but on this demand they burned their village and flew to arms. They preferred desolated homes and death to anything like slavery. Whether De Soto and his band marched within the boundaries of this State is questioned. The next white man, possibly the first, was the Jesuit missionary, Marquette, who visited the borders of the State in 1673, but his voyage down the river was one of exploration and discovery rather than settlement. He found the dusky men of the forest armed with the weapons of civilized warfare, which they had doubtless obtained from traders along the Atlantic coast.

In 1736 an attempt was made by Bienville from the south, in concert

with D'Artaguet and Vinsennè from the north, to dispossess the Chickasaws of their lands. The attempt was a disastrous failure, the two forces not acting simultaneously; the former was compelled to beat a hasty retreat, and the latter two were captured and burned at the stake. In 1739 the French again attempted to possess themselves of the territory of the Chickasaws; this time they made an attack upon the Indians at Chickasaw Bluffs (at Memphis), but were defeated with loss. The attempt was renewed at the same place in 1740 by Bienville and De Noailles, who ascended the river in boats. They met with little success but managed to patch up a hollow treaty. A fort was built by them at Chickasaw* Bluff, called Prud'homme, but the date is unknown. Desultory fighting was kept up between them for the possession of this territory for ten years longer. In nearly all the wars of the United States and while the colonies were under control of the English Government, these Indians sided with and assisted the English. In consequence of which they received very liberal boundaries at the treaty of Hopewell, after the Revolutionary war. Besides lands the Government courted their friendship by large donations of corn and other supplies.

In 1782 (December 11) Gen. Robertson established Chickasaw Bluffs as a depot to which was sent the supplies given to the Indians. The Bluffs thus became a kind of permanent post at which the English and Chickasaws met, from time to time, till the treaty of 1818, when the entire western portion of the State was transferred to the United States.

The Spanish seemed anxious to obtain this territory whether by fair means or foul. The Spanish governor of Natchez, Gayoso by name, appeared at the Chickasaw Bluffs some time between the last of May and the 9th of July, with the intention of building a fort there. He took possession of the bluff on the east side of the river within the territorial limits of the United States. He came up the river with three galleys which anchored on the side opposite the bluffs, until the materials on the west side were prepared for the erection of a block-house. When the material was ready it was quickly transferred across to the east side, and the block-house hastily erected. Complaint was made to Gov. Blount by the Chickasaws that their territorial rights had been invaded. November 9, 1795, Gov. Blount, by direction of the President, sent a letter to Gayoso, by Col. McKee, at Fort St. Ferdinando, near the Chickasaw Bluff. This letter stated that the United States considered the establishment of a Spanish fort at or near Chickasaw Bluff an encroachment not only upon the territorial rights of the United States but also upon the rights of the Chickasaw nation, and that the Government of the United States expected

*Haywood.

him to demolish the fort, block-house or whatever military works he may have erected, and to withdraw his troops from its limits. The Spanish officers at this time from Fort St. Fernando and New Madrid below and to the mouth of the Ohio above allowed no boats to pass without reporting their destination and cargo. This was done to prevent supplies being sent to the Chickasaws. Col. McKee who had been sent to Gayoso did not return till in the spring of 1796, when it was learned that the General Government had made a treaty with Spain that ended all grounds for controversy.

Various treaties were made with the Chickasaws with a view to obtain their territory in the State for settlement. Among these treaties were those of 1806-07 by which they relinquished 355,000 acres for settlement for \$22,000, and a large amount again in 1816, for which they received \$4,500 cash and \$12,000 in ten annual installments. The final treaty by which they relinquished all West Tennessee was signed October 12, 1818, by Isaac Shelby and Andrew Jackson on the part of President James Monroe, and by the chiefs on the part of the Chickasaws. The substance of this treaty is here given. It was to settle all territorial controversies and remove all grounds of complaint or dissatisfaction which might arise to interrupt the peace and harmony so long and so happily existing between the United States and the Chickasaw nation of Indians. It ceded all lands lying north of the southern boundary of the State (except a small tract reserved for a special purpose) described as follows: "Beginning on the Tennessee River about thirty-five miles by water below Col. George Colbert's ferry, where the thirty-fifth degree of north latitude strikes the same; thence due west with said parallel to where it cuts the Mississippi River at or near the Chickasaw Bluffs; thence up said river to the mouth of the Ohio; thence up the Ohio to the mouth of the Tennessee; thence up the Tennessee to the place of beginning."*

The consideration of this treaty was that the Chickasaws were to receive \$20,000 annually for fifteen years to be paid to the chiefs of the nation; also a private claim of Capt. John Gordon, \$1,115 due him by Gen. William Colbert of the nation; to Capt. David Smith \$2,000, for supplies furnished to himself and forty-five soldiers in assisting the Chickasaws in a war with the Creeks; to Oppassantubbee, principal chief, \$500 for a tract of land two miles square, reserved for him in the treaty of September 20, 1816; to John Lewis \$25, for a saddle lost in the service; to John Colbert \$1,089, stolen from him at a theater in Baltimore; also reservations to Col. George Colbert, May Levi Colbert

*Land Laws.

and John McClish, who had married a white woman. It was further ordered that the boundary line on the south should be marked in bold characters by commissioners agreeable to both the President and the Chickasaws. It was further agreed, in consideration of the faithfulness of the Chickasaws, but particularly as a "manifestation of the friendship and liberality of the President" of the United States, that the commissioners pay certain sums annually to the leading chiefs of the tribe.

To the time of the above treaty little effort at settlement had been made in West Tennessee. The friendly feeling so long existing between the whites and the Chickasaws, and the determination of the Government to maintain that friendship by preventing any encroachment upon their territory, prevented a long series of murders and Indian massacres so common to the settlement of a new country. From this time the settlement became rapid and soon grew to vast proportions, owing to the inviting lands and large population in sections so near. Before any settlements had been made there were roads or traces leading through the territory on which occasionally there was a squatter. One of these roads or traces, known as the "Massac trace," entered West Tennessee nearly south of Somerville and passed a little west of north through Haywood County and in the same direction to Fort Massac, in Illinois. Another was a United States road that entered West Tennessee west from Waverly, and passed through the territory in a southwesterly direction. Along the southern boundary of the State was another road or pathway. On the upper courses of the main stream of the Big Hatchie were two or three rough bridges. These roads were opened about the beginning of the present century. Among the squatters who lived on these roads was John Chambers who dwelt on the road leading south to Natchez. He raised cattle and corn; the latter he sold at a very high price. The first settlers in the northwest part of the State were Stephen Mitchell, eight miles below New Madrid, at Mitchell's Landing on the Mississippi; Enoch Walker, at Walker's Landing, on Reelfoot Lake; Evan Shelby, at Shelby's Landing, also on Reelfoot Lake, and the Bone family, three miles below Shelby's. All these were between 1818 and 1820 and were in Lake County.

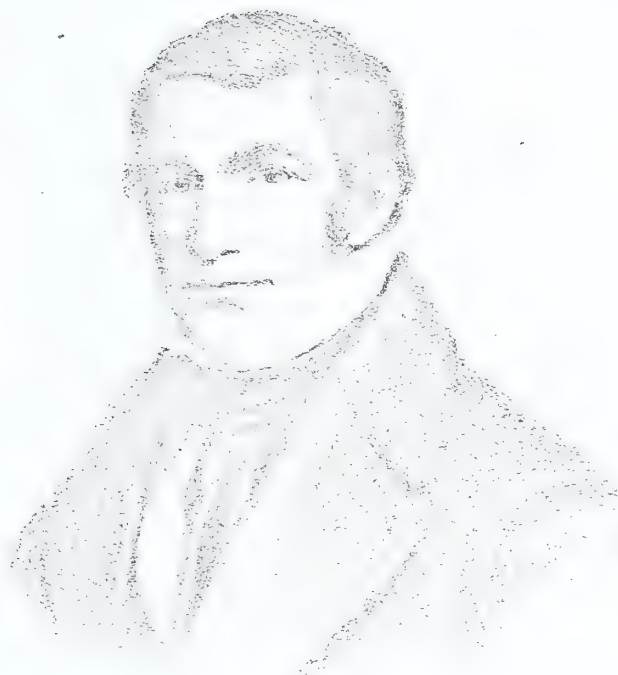
Others in the same county and about the same time were Robert and Jefferson Nolen, John and R. J. Rivers, Reuben and Richard Anderson. Michael Peacock, William Box, Henry Walker, Joe Bone, Robert C. Nall, Ezekiel Williams, Thomas Wynn, Robert Thompson, Richard J. Hill, James Crockett, John Campbell. E. W. Nevill, Jesse Gray, Richard Sand, J. W. Bradford, C. H. Bird and B. B. Bird. The first settlers entered Obion County about 1821; among them were John Cloy, Valentine

Westerbrook, Thornton Edwards, James Hollowman, Benjamin Totten, Benjamin and David Hubbard, James Collins, John Tarr, James Bedford, John Clark, O. Roberts, Fletcher Edwards, John White, Benjamin Farris, William Scott, Col. Lysander Adams, Gen. George Gibbs, Hardin Talley, Robert Corwin, John Parkey, William Caldwell, Alfred McDaniel and Benjamin Evans. The celebrated Davy Crockett assisted in laying off the town of Troy in 1825, and later, when on a tour, canvassing for Congress, he was without money, and Col. William M. Wilson came to his relief and paid his hotel bill. A nice family Bible was sent to Col. Wilson from Washington by Crockett, as a reward for his kindness. It is needless to say that this is kept as a highly prized heirloom by the Wilson family. The first white child born in the county was Thomas D. Wilson, son of Col. William M. Wilson. The first settlement in Weakley County was made in 1819. Those settling in the vicinity of Dresden were John Terrill, Perry Vincent, Dr. Jubilee Rogers, Benjamin Bondurant, Richard Porter, T. and A. Gardner and Robert Powell. A few years later than these were Vincent Rust, Claiborne Stone, Thomas Parham and John H. Reams. Vincent Rust raised the first hogshead of tobacco in Weakley County in 1835. This was hauled by Dr. Reams to Hickman, Ky., and sold at 5 cents per pound. Those settling northeast of Dresden were Levi Mizell, Joe Wilson, John Webb, and those a little later were the families of Ridgeway, Buckley, Killebrew and Kilgore. Those on the northeast between the middle fork of Obion and the Kentucky line were John F. Cavitt, who settled there March 20, 1820, also John Stevenson, Isaac and William Killingham, who had preceded Stevenson a short time and had erected a hut; John Rogers moved into the cabin with Cavitt above mentioned until he could erect a cabin for himself. These were soon followed by J. B. Davis, Peter Williams, Marcus Austin, L. F. Abernathy and Benjamin Farmer. The latter was elected constable and was given an execution levying on a cow and calf, to serve on a settler. In his simplicity he ran down the cow and rubbed the execution against her, but was unable to catch the calf; he shook the instrument at it and exclaimed: "you too, calf." Alexander Paschall was one of the first settlers in the northeast part of the county; he came there in 1824 from Carroll County, N. C. As evidence of the sparsely settled country, Paschall, in building his house, invited all persons living within a circuit of twelve miles, and got only thirty-one hands. Other settlers about the same time were Daniel Laswell, Sr., John and George Harlin and Peter Mooney.

It is said the first preaching in that vicinity was by a colored minister. Everybody was anxious to go to church, but few of the women had

a change of dresses. Mrs. Paschall having seven, loaned six to her less fortunate sisters and thus enabled them to attend the first preaching in that vicinity. On Mud Creek were settled Reuben Edmunson, Dudley Glass, Sr., Levi Clark and Israel Jones. Between Mud Creek and Middle Fork were Owen Parrish, Thomas Etheridge, father of Hon. Emerson Etheridge, A. Clemens, J. W. Rogers and John Jenkins. Between Middle and South Fork were Duke Cantrell, M. H. G. Williams, William Hills, Alfred Bethel, F. A. Kemp and Calloway Hardin. Higher up the river were Robert Mosely, E. D. Dickson, James Hornback, John and G. Bradshaw and Richard Drewery. Southeast on Upper Spring Creek were Thomas Osborne, A. Demming, Isaac Crew, Robert Gilbert, Jonathan Gilbert, James and Alfred Smith, William Hamilton, Francis Liddle, John O'Neal, James Kennedy and Tilghman Johnson. On Thompson's Creek were John Thomas, Daniel Campbell, Samuel Morgan, Elijah Stanley, M. Shaw, William Gay, John H. Moore and Hayden E. Wells. On Lower Cypress were Capt. John Rogers, E. P. Latham, the Carneys, McLeans, Scultzs and Stewarts. On Upper Cypress were the Rosses, Thompsons, Winsteads and Beadles. Davy Crockett settled near the junction of South and Rutherford Forks of Obion, in Weakley County, and was elected to the Legislature the same year on a majority of 247 votes. He was beaten for Congress in 1825 and 1827 by Hon. A. R. Alexander on a majority of only two votes each time. He was elected in 1829 by 3,585 votes. He was beaten by William Fitzgerald in 1831, and he in turn beat Fitzgerald in 1833 by a good majority. Crockett was himself beaten in 1835 by Adam Huntzman, a wooden-legged lawyer. Crockett was in Congress the author of the "occupant's bill," a measure to give each settler 200 acres of land. Henry Stunson, who was born in 1821, was the first white child born in Weakley County. The first cabin built by a white man was erected in 1819 by John Bradshaw.

The settlement in the northeastern part of the western section of the State began in 1819; the first settlers were from Stewart County; they were Joel Ragler, John Studdart and James Williams. They came in wagons, having made their way through the forest and settled near Manleyville. When they arrived at Big Sandy it was so high they could not cross. After waiting two weeks they were compelled to make a canoe and a raft. When these were completed some of the party hesitated to enter. As evidence of the bold spirit of those pioneer women, "Granny" Studdart, on seeing the hesitation of the party, said, "I—I'll get in." She did so, and soon all were landed safely on the other shore. Other settlers near Paris were James Leiper, Gen. Richard Porter, John Brown, J. L. Allen and Dr. T. K. Allen. A horse-mill was erected by John



FROM PHOTO BY THUSS KOELLEIN & SONS, NASHVILLE

DAVID CROCKETT

Carter, near Springville, in 1820, and a water-mill in the northwest part of this county in the same year by Thomas James.

Settlements began in Dyer County in 1823. William Nash settled between the forks of Forked Deer River; John Rutledge at Key Corner, and the Dugan family on Obion Lake. The first house built in Dyersburg was erected by Elias Dement, and had only a dirt floor. Among other settlers in this section were John Rutherford, Benjamin Porter, John Bowers, William Bowers and William Martin. Nathaniel Benton, another settler, was a brother of Thomas H. Benton, who moved to Dyer County about 1818. The section away from the large rivers—the Tennessee and Mississippi—was not settled quite so early as those along the rivers. In what is now Gibson County the first settlement began about 1819. Those who settled in that year were Thomas Fite, John Spencer and J. F. Randolph. This settlement was made about eight miles east of Trenton. Other settlers followed in rapid succession; among them were Luke and Reuben Biggs, William Holmes, John B. Hogg, David P. Hamilton, Col. Thomas Gibson, John Ford and W. C. Love. That part of West Tennessee now embraced in Carroll County was settled by Thomas Hamilton on Cedar Creek, near McKenzie; John Woods on Rutherford Fork of Obion; Samuel McKee, Spencer and Nathaniel Edwards on the Big Sandy; and E. C. Daugherty where McLemoresville now stands; and John Blunt, who built a mill on a branch of the Big Sandy in 1821–22. Settlements in Benton County began in 1819–20, the first settler being William and D. Rushing, on Rushing Creek, six miles north of Camden; the next was by Nicholas and Lewis Browers in 1820, on Randall Creek, twelve miles from Camden; Thomas and William Minnis, on Bird Song Creek, in 1820. Lauderdale County was first settled by Benjamin Porter, in April, 1820. He moved from Reynolds-ville by way of the Tennessee, the Ohio; thence down the Mississippi to the mouth of the Forked Deer; thence up said river to Key Corner, near which place he settled and remained till his death. The first flat-boat on Forked Deer River brought the family, household goods and stock of Henry Benjamin to Lauderdale County in 1820. One of the first cotton gins in West Tennessee is said to have been built at Key Corner in 1827, by John Jordan and William Chambers. Capt. Shockey ran the first steam-boat, the "Grey Eagle," up Forked Deer River in 1836. Capt. Thomas Durham, of North Carolina, settled at what is now Durhamville, in 1826. A man named Vincent settled at Fulton, near the Chickasaw Bluffs, on the Mississippi, in 1819, and John A. Givens, from South Carolina, one and one-half miles east of the bluff in 1820. Other settlers in Lauderdale were Henry and John Rutherford, sons of Gen.

Griffith Rutherford, of North Carolina. James Sherman, who resided in Lauderdale for a great many years, was once on a jury which was trying a man for his life. They were unable to agree, and stood six for conviction and six for clearing the man. The judge refused to release the jury without a verdict. It was finally agreed to leave the matter to a game of "seven-up." A deck was sent for and the champions were chosen. The game was hotly contested, but by the fortunate turn of a card the game was decided in favor of the defendant. This story, though seemingly incredible, is vouched for on excellent authority, and shows the crude idea of administering justice in that day.

The first settlers in Tipton County were from Middle Tennessee and the older States. Among these were H. Terrell, E. T. Pope, R. W. Sanford, Gen. Jacob Tipton, Maj. Lauderdale, Capt. Scurry, Dr. Hold, the Durhams, Mitchells, Davises, Pryors, Hills, Parrishes and Garlands. In the White and Archer neighborhood were C. C. Archer, George Sharkley, William McGuire and the Whites. In and near Randolph were K. H. Douglass, George W. Frazier, Thomas Robinson, Jesse Benton, M. Phillips, R. H. Munford, A. N. McAllister, W. P. Mills, Anderson Hunt, the Simpsons and Clements. On Big Creek were Dr. R. H. Rose, Henry Turnage, Capt Jones, Capt. Newman, Alfred Hill and Maj. Legrand. The vicinity of Indian Creek was settled by the Smiths, Owens, Kellers, Kinneys and Walks. "Old Uncle Tommy" Ralp built a horse-mill one mile from Covington, this being perhaps the first in the county.

The portion of West Tennessee known as Crockett County, was settled about 1823. Among the first in this section were John B. Boykin, B. B. Epperson, Alexander Avery, David Nann, Isaac Koonse, Thomas Thw-eatt, James Friar Randolph, Anthony Swift, John McFarland, John Yancey, Zepheniah Porter, Solomon Rice, Giles Hawkins, Joseph Clay, John Bowers, E. Williams, Cornelius Bunch and Robert Johnson. J. F. Randolph, above mentioned, moved with his father from Alabama, and settled at McMinnville, Warren County; thence to West Tennessee. I. M. Johnson was a native of Rutherford County, and settled in what was then Haywood, now Crockett, in 1823.

Into Haywood County the whites began to enter about 1820. The first permanent settler is believed to have been Col. Richard Nixon, in 1821, who was born October 26, 1769, and whose father was a Revolutionary soldier. For his services in that war he was rewarded by a grant of 3,600 acres of land. The grant fell in Haywood County, and on a portion of this Col. Nixon settled. His place of settlement was on Nixon Creek, about four miles from Brownsville. Lawrence McGuire, David Hay, Sr., B. H. Sanders, David Jefferson, N.

T. Perkins, David Cherry and Joel Estes, were among those who found homes on the north side of the river. Those settling down amidst the virgin forest on the south side of the river were Oliver Wood, B. G. Alexander, Samuel P. Ashe and Rev. Thomas P. Neely. The latter of these came between 1826 and 1828. It was at the house of Col. Nixon that the first courts were established in 1824. As rivers were about the only means of egress at that time nearly all settlements were made along the river courses.

After the final treaty with the Chickasaws, by which they gave up West Tennessee, the inhabitants from East and Middle Tennessee, North and South Carolina and Virginia began to pour rapidly into those unoccupied lands. The first in the vicinity of Jackson were Adam R. Alexander, William Doak and Lewis Jones. In the Wilson neighborhood were Theophilus and David Launder, and Mr. Lacy. In 1820 John Hargrave and Duncan McIver settled in the vicinity of "Old Cotton Grove," and a little later John Bradley; about the same time J. Waddell settled on Spring Creek. The city of Jackson was built on lands owned by B. G. Stewart, Joseph Lynn and James Trousdale. Dr. William Butler planted cotton in 1821, in this county; also erected a gin the same year, which was brought all the way from Davidson County. Bernard Mitchell brought a keel-boat loaded with goods, groceries and whisky, up Forked Deer, and landed within one mile and a half of Jackson; this was the first to vex the waters of that stream.

Pioneers came into Henderson County in 1821; a few came earlier. Joseph Reel was beyond doubt the first permanent white settler in the county. He came to the place in 1818, and settled on Beech River, about five miles east of the present site of Lexington. His sons John and William remained on the same land during their lifetime. Abner Taylor settled near the site of Lexington; Maj. John Harmon near the head waters of the Big Sandy; Jacob Bartholomew and William Hay at the head of Beech River; William Cain and George Powers near the site of Pleasant Exchange; William Doffy at the head waters of the south branch of Forked Deer River; William Dismukes on the north fork of Forked Deer, and Joseph Reed near Pine Knob. This county developed rapidly. A mill was built on Mud Creek, in 1821, by John and William Brigham, and one on Forked Deer about the same time by Daniel Barecroft. A horse-mill was built on the road from Lexington to Trenton about the same time; also a cotton-gin by Maj. John Harmon, on Beech Creek, in 1823. The first legal hanging in the vicinity was the execution of a slave woman of Dr. John A. Wilson's for the willful drowning of his daughter. Willis Dæden, who moved into this county from North Car-

olina, was a man remarkable for size; his weight was never known, but was estimated at 800 pounds.

Samuel Wilson owned the land on which the city of Lexington now stands; this was set apart for the city in 1822. The land office was established at the house of Samuel Wilson in the same year.

The rich and attractive lands on the Tennessee in the southeastern portion of this county was first to attract immigrants. Almost as soon as the Indian title was extinguished, 1818, immigrants began to pour into this section of the newly acquired territory. That portion of the country known as Hardin County was laid off in 1820 and named in honor of Capt. John Hardin, of Revolutionary fame. James Hardin settled at the mouth of Horse Creek, a tributary entering the Tennessee not far from Savannah, in 1818 or 1819, and a horse-mill was erected on the same stream by Charles B. Nelson in 1819. It was doubtless from this source that the stream got its name. T. C. Johnson, Lewis Faulkner, Samuel Faulkner and Daniel Robinson settled on Turkey Creek about 1820. Hiram Boon settled on a small stream that was afterward called Boon's Creek. James White gave a name to a small creek, a tributary of Horse Creek. Thomas White became a resident on Flat Gap Creek in 1819. Samuel Parmley, Thomas Cherry and Samuel Bruton became residents of this section at a little later period, all of whom were on the east side of the river. On the west side of the river, opposite the mouth of Horse Creek, Simpson Lee, Nathaniel Way and James McMahan took claims in 1818 or 1819. The pioneers were compelled, before the erection of mills, to depend upon the mortar or hand-mill for meal. This being rather a slow process water or horse-mills were encouraged and liberally patronized. A water-mill was built by Jesse Lacewell, on Smith's Fork of Indian Creek, in 1819, and another about the same time and near the same place by John Williams. Few regular ferries were to be found at that time. The Indian with his light or birch-bark canoe was enabled to cross the stream at almost any time as he could carry his boat with him. It was not till after his white brother got possession of the country that regular ferries were established. Among the first of these was one at Rudd's Bluff, just above where Savannah now stands. This was in 1818. Lewis H. Broyles opened a store in this section in 1819-20. His goods were loaded on a flat-boat in East Tennessee and floated down the Tennessee to the place of landing. The first marriage ceremony in this county was performed by Rev. James English in 1818, the contracting parties being A. B. Gantt and Miss M. Boon. All the necessary wants of a civilized and progressive people were soon supplied to these people, as a school was being taught near Hardinsville in 1820.

by Nathaniel Casey; a church of the Primitive Baptists was built on Turkey Creek in 1819-20, with Rev. Charles Riddle as pastor; a cotton-gin was built by James Boyd on Horse Creek in 1822. Courts were established in January, 1820, at the house of Col. James Hardin, near the mouth of Horse Creek. A small log court house was soon after erected, having a dirt floor and dimensions 16x20 feet. A large hollow tree sufficed for an improvised jail.

Immediately west of Hardeman County lies McNairy; this county being away from any of the larger streams immigrants did not reach it quite so early as some of the counties whose location was geographically more favorable. Among the pioneers of this county were Abel Oxford, who settled on Oxford Creek below the mouth of Cypress; also Quincy Hodge and William S. Wisdom with their families settled in the southwest part of the county. Others were John Shull, Peter Shull, John Pluak, John Woodburn and Francis Kirby, whose son, Hugh Kirby, was the first white child born, 1821, in the county. James Reed and Allen Sweat came from North Carolina and settled in McNairy about 1824. John Chambers and N. Griffith established the first business house in the county. A water-mill was built on Cypress Creek in 1824, by Boyd & Barnesett.

Lying in the upper valley of the Big Hatchie is Hardeman County. Settlements began in this portion of West Tennessee in 1819-20. Among the first and for whom the county was named was Col. Thomas J. Hardeman, also Col. Ezekiel Polk, his son William Polk and son-in-law Thomas McNeal. Before permanent settlements began a number of transient persons had squatted in different parts of the county. Among them was Joseph Fowler, who settled at Fowler's Ferry, about sixteen miles south of Bolivar. The next permanent settlement was made by William Shinault in the southwest part of the county, not far from Hickory Valley. Jacob Purtle raised a crop of corn near "Hatchie Town," in the neighborhood of Thomas McNeal's in 1821. William Polk made a crop the same year, five miles north of Bolivar. On the organization of the county court, in 1823, he was made chairman. A mill was built by Samuel Polk on Pleasant Run Creek, one and one-half miles east of the present site of Bolivar, about 1823; a second one was built on Mill Creek about six miles south of Bolivar, in the same year, for Col. John Murray by John Golden. A school was taught in the Shinault neighborhood in 1823-24 by Edwin Crawford. Maj. John H. Bills and Prudence McNeal were the first couple united in marriage in that vicinity by the laws of civilization. The steam-boat "Roer," commanded by Capt. Newman, was the first to stem the waters of Hatchie as far up as Bolivar.

Fayette County began to be settled about 1822-23. Among the first was Thomas J. Cocke, who came from North Carolina and settled in the northwest part of the county in 1823. R. G. Thornton and Joel Langham followed soon after. Where Somerville now stands the lands were entered by George Bowers and James Brown some time before 1825. Bears and wolves and other beasts of the forest were then holding almost undisputed sway throughout the territory. Joseph Simpson claimed to have killed a bear, near where the court house of the county now stands, in 1824. The county seat, Somerville, was named in honor of Lieut. Robert Somerville, who was killed at Horseshoe Bend in battle with the Indians. Other settlers were David Jornegan, Thomas Cook, Daniel Head (a gunsmith), Horace Loomis, Dr. Smith, Henry Kirk, Henry M. Johnson, William Owen, L. G. Evans, William Ramsey, Daniel Cliff and John T. Patterson, with their families.

The oldest and most wealthy division in West Tennessee is Shelby County. Could the rocks and rills speak, or "the books in running brooks" and "the tongues in trees" tell their story of the past, volumes of untold interest would be revealed to us which must forever remain hidden. It is problematical whether the adventurous Spaniard, DeSoto, in the year 1540, was the first white man to tread the soil of this portion of Tennessee or whether it was left to the French Father Marquette or Bienville; yet this much is certain, it is historic ground, around which cluster many events having great weight in the march of civilization. Known as it was for more than 200 years with its inviting prospects, it seems strange that the polished hand of civilization should have been held back so long. The Chickasaw Bluffs were long a place of getting or receiving supplies between the whites and Indians; it did not become a place of permanent abode for the whites till about 1818-19. Among the first settlers in Shelby County were Joel Kagler and James Williams. Shelby was admitted into the sisterhood of counties on November 24, 1819, although the first court was not held until May 1, 1824. This was opened at Chickasaw Bluffs on the above date. As few if any roads were open for travel through the county, the first was opened from Memphis to the Taylor Mill settlement on Forked Deer River. Persons connected with road officially were Thomas H. Persons, John Fletcher, John C. McLemore, Marcus B. Winchester, Charles Holeman and William Erwin. William Irvine was the legalized ferryman at Memphis in 1820. The following were the rates charged: Each man and horse, \$1; each loose horse, 50 cents; each hog or sheep, 25 cents; each four-wheeled carriage drawn by four horses, the wagon being empty, \$3; the same, loaded, \$5; each four-wheeled vehicle and two horses, \$1.50; the

same, loaded, \$2.50. The first ordinaries or houses of entertainment were kept in the city of Memphis in 1820 by Joseph James and Patrick Meagher. These houses were regulated by law as to charges, board being \$2.50 to \$3.50 per week or \$1 per day. A horse was kept at \$2.50 a week or 50 cents per day. The court was somewhat itinerant in its nature at first, having been changed to Raleigh in 1827, and then to Colliersville in 1837. Peggy Grace is said to have purchased the first lot after the city of Memphis was laid out. Among the earliest settlers in the county were W. A. Thorp, who owned a grant near the old State line—a little north of it—and Peter Adams, who settled near the same place, a little south of the old line. On Big Creek, in 1820, were settled Jesse Benton, Charles McDaniel, D. C. Treadwell, Samuel Smith and Joel Crenshaw. In the vicinity of Raleigh were Dr. Benjamin Hawkins, William P. Reaves, Thomas Taylor and William Sanders. The first American white child born in Shelby County was John W. Williams, in 1822. The steam-boat, "Ætna" was the first to make regular trips to the wharf at Memphis early in the decade of the twenties. A brief retrospect shows that in a few years after the Indian title was extinguished in West Tennessee, the whole country was changed as if by magic into an abode of civilization, wealth and refinement. In less than a decade every part of it was organized into counties, having their courts, churches, schools and accumulating wealth.

CHAPTER VI.

ORGANIZATION—THE EUROPEAN CHARTERS—PROPRIETARY GRANTS—THE BOUNDARY CONTROVERSIES—CAUSES OF DISPUTE—FAILURE OF ATTEMPTED SETTLEMENT OF THE QUESTION—FINAL ESTABLISHMENT—NEW CAUSES FOR DISPUTE—EXTENSION OF THE NORTHERN LINE—THE WALKER AND THE HENDERSON SURVEYS—THE RESULTING CONFUSION—OPINION OF GOV. BLOUNT—THE DEMANDS OF KENTUCKY—NEGOTIATIONS—ILLOGICAL POSITION OF TENNESSEE—THE COMPROMISE OF 1820—THE READJUSTMENT OF 1860—THE SOUTHERN BOUNDARY ESTABLISHED IN 1818 AND IN 1821—THE WATAUGA ASSOCIATION—OFFICERS AND LAWS—THE GOVERNMENT OF THE NOTABLES—THE "COMPACT" OR "AGREEMENT"—LAWS—THE STATE OF FRANKLIN—CAUSES WHICH LED TO ITS FORMATION—FORM OF GOVERNMENT—THE FIRST LEGISLATIVE ASSEMBLY—INTERFERENCE OF NORTH CAROLINA—RESISTANCE OF GOV. SEVIER—RATIFICATION OF THE CONSTITUTION—CONFLICT OF AUTHORITY—SEVERE MEASURES—FALL OF THE STATE OF FRANKLIN.

THE first charter granted by an English sovereign to an English subject to lands in North America, was by Queen Elizabeth to Sir Humphrey Gilbert, to any lands he might discover in North America. Its date was about June 11, 1578, and it was to be of perpetual efficacy provided the plantation should be established within six years. After several failures Sir Humphrey made a determined effort in 1583 to plant a colony on the island of Newfoundland, which resulted fatally to himself, his little bark of ten tons going down in a storm with himself and all on board.

The second grant was by Queen Elizabeth to Sir Walter Raleigh, and was dated March 26, 1584. It was similar in its provisions, to that granted to Sir Humphrey Gilbert, and as Sir Walter's patent included what is now Tennessee, those provisions may be briefly stated in this connection. They are worthy of particular attention, as they unfold the ideas of that age respecting the rights of "Christian rulers," to countries inhabited by savage nations, or those who had not yet been brought under the benign influences of the gospel.

Elizabeth authorized Sir Walter to discover, and take possession of all barbarous lands unoccupied by any Christian prince or people, and vested in him, his heirs and assigns forever, the right of property in the soil of those countries of which he should take possession. Permission was given such of the Queen's subjects as were willing to accompany Sir Walter to go and settle in the countries which he might plant, and he was empowered, as were also his heirs and assigns, to dispose of what-

ever portion of those lands he or they should judge fit to persons settling there in fee simple according to the laws of England; she conferred upon him, his heirs and assigns, the complete jurisdiction and royalties, as well marine as other within the said lands and seas thereunto adjoining, and gave him full power to convict, punish, pardon, govern and rule in causes capital and criminal, as well as civil, all persons who should from time to time settle in these countries, according to such laws and ordinances, as should by him, or by his heirs and assigns, be devised and established.

Raleigh, one of the most enterprising, accomplished and versatile men of his time was eager to undertake and execute the scheme of settling his grant, and, in pursuit of this design, despatched two small vessels under command of Amadas and Barlow, two officers of trust, to visit the country which he intended to settle. In order to avoid the serious error made by Sir Humphrey Gilbert, in coasting too far north, Raleigh's captains selected the course by the Canary and West India Islands, and arrived on the American coast July 4, 1584, landing on the island of Wocoken. Raleigh's grant was named by the Queen "Virginia," in commemoration of her state of life. But notwithstanding the precautions of the captains, and the smiles of the virgin queen upon the various attempts made to settle this grant, these attempts all terminated no less disastrously than had Sir Gilbert's, and at the end of Queen Elizabeth's reign, in 1603, not a solitary Englishman had effected a permanent settlement on North American soil.

In 1607, however, a more successful effort was made to form a permanent English colony on this continent at Jamestown, in Virginia. In 1609 a second charter was granted to this colony, investing the company with the election of a council, and the exercise of legislative power independent of the crown. In 1612 a third patent conferred upon the company a more democratic form of government, and in 1619 the colonists were themselves allowed a share in legislation. In 1621 a written constitution was brought out by Sir Francis Wyatt, under which constitution each colonist became a freeman and a citizen. The colony prospered, and extended its southern boundaries to Albemarle Sound, upon which the first permanent settlers of North Carolina pitched their tents, having been attracted in this direction by reports of an adventurer from Virginia, who, upon returning from an expedition of some kind, spoke in the most glowing terms of the kindness of the people, of the excellence of the soil and of the salubrity of the climate.

Representations of this kind reaching England had the effect of stimulating into activity the ambition and cupidity of certain English

courtiers, and on March 24, 1663, Charles II made a grant to Edward, Earl of Clarendon, "hated by the people, faithful to the king;" Monk, "conspicuous in the Restoration, now the Duke of Albemarle;" Lord Craven, "brave cavalier, supposed to be the husband of the Queen of Bohemia;" Lord Ashley Cooper, afterward Earl of Shaftesbury; Sir John Colleton; Lord John Berkeley and his younger brother, Sir William Berkeley, and Sir George Carteret, "passionate, ignorant and not too honest," the grant including the country between the thirty-first and thirty-sixth parallels of latitude, and extending from the Atlantic to the Pacific Ocean.

Notwithstanding the extent of this grant the proprietaries above named, in June, 1665, secured by another patent its enlargement and an enlargement of their powers. This second charter granted by King Charles II was in part as follows:

CHARLES THE SECOND, BY THE GRACE OF GOD, OF GREAT BRITAIN, FRANCE AND IRELAND, KING, DEFENDER OF THE FAITH, ETC.

WHEREAS, By our letters patent, bearing date the 24th of March, in the fifteenth year of our reign, we were graciously pleased to grant unto our right trusty and right well beloved cousin and counsellor, Edward, Earl of Clarendon, our high chancellor of England [here follow the names of the other grantees as given above] all that province, territory or tract of ground called Carolina, situate, lying and being within our dominions of America, extending from the north end of the island called Luke Island, which lieth in the southern Virginia seas, and within thirty-six degrees of north latitude, and to the west as far as the South seas, and so south respectively as far as the river Matthias, which bordereth upon the coast of Florida and within thirty-one degrees of northern latitude, and so west in a direct line as far as the South seas aforesaid.

Know ye, that at the humble request of the said grantees, we are graciously pleased to enlarge our said grant unto them according to the bounds and limits hereafter specified, and in favor of the pious and noble purpose* of the said Edward, Earl of Clarendon [the names of the other proprietaries here follow], their heirs and assigns, all that province, territory or tract of land, situate, lying and being within our dominions of America as aforesaid, extending north and eastward as far as the north end of Currituck River or Inlet, upon a straight line westerly to Wyonoak Creek, which lies within or about the degree of thirty-six and thirty minutes, north latitude, and so west in a direct line as far as the South seas, and south and westward as far as the degree of twenty-nine, inclusive, of northern latitude, and so west in a direct line as far as the South seas, together with all and singular the ports, harbors, bays, rivers and inlets belonging unto the province and territory aforesaid.

This grant was made June 30, 1665, and embraced the territory now included in the following States: North and South Carolina, Georgia, Tennessee, Alabama, Mississippi, Louisiana and Arkansas, and parts of Florida, Missouri, Texas, New Mexico and California. The line of thirty-six degrees and thirty minutes extending from the top of the Alleghany Mountains to the eastern bank of the Tennessee River, separates Virginia and Kentucky from Tennessee. The powers granted to the lords, proprietors of this immense province, were those of dictating constitutions

*This pious and noble purpose was none other than the increase of their own worth and dignity.

and laws for the people by and with the advice and assent of the freemen thereof, or the greater part of them, or of their delegates or deputies, who were to be assembled from time to time for that purpose.

This munificent grant was surrendered to the King July 25, 1729, by seven of the eight proprietors under authority of an act of parliament (2nd George, 2nd ch., 34), each of the seven receiving £2,500, besides a small sum for quit rents. The eighth proprietor, Lord Carteret, afterward Earl Granville, on the 17th of September, 1744, relinquished his claim to the right of government, but by a commission appointed, jointly by the King and himself, was given his eighth of the soil granted by the charter, bounded as follows: "North by the Virginia line, east by the Atlantic, south by latitude thirty-five degrees thirty-four minutes north, and west as far as the bounds of the charter." Prior to this the government of Carolina had been proprietary; but now (after 1729) it became regal, and the province was divided into two governments, North and South Carolina, in 1732. The Georgia Charter, issued in 1732, comprised much of the Carolina grant, but after 1752 the proprietors gave up the government, which also then became regal. Tennessee from this time until the treaty of Paris, in 1782, continued the property of the British Government, when all right to it was relinquished to North Carolina.

It may be interesting to the general reader to learn that the descendant of Lord Carteret, who had become the Earl of Granville before the Revolutionary war, brought suit a short time before the war of 1812 in the Circuit Court of the United States for the district of North Carolina, for the recovery of his possessions. The case, as we learn from the Hon. W. H. Battle, formerly one of the judges of the Supreme Court of North Carolina, was tried before C. J. Marshall, and Judge Potter, who was then the district judge, and resulted in a verdict and judgment against the plaintiff, whereupon he appealed to the Supreme Court of the United States. Before the case could be heard in that court the war of 1812 came on, which put a stop to it and it was never revived.

William Gaston (afterward Judge Gaston), then a young man, appeared in the suit for the plaintiff, and Messrs. Cameron (afterward Judge Cameron), Baker (afterward Judge Baker) and Woods appeared for the defendants. The question was whether Lord Granville's rights, which had been confiscated by the State of North Carolina during the Revolutionary war, had been restored by the treaty of peace between the United States and Great Britain. The case was never reported. Thus passed away the last vestige of the most munificent gift of which history makes mention.*

*Killebrew's Resources of Tennessee.

The twenty-fifth section of the Declaration of Rights of North Carolina at the time of the adoption of her constitution in December, 1776, so far as it relates to the boundary of that State, is as follows:

The property of the soil in a free government being one of the essential rights of the collective body of the people, it is necessary in order to avoid future disputes, that the limits of the State should be ascertained with precision; and as the former temporary line between North and South Carolina was confirmed and extended by commissioners appointed by the Legislatures of the two States agreeable to the order of the late King George the Second in Council, that line and that only should be esteemed the southern boundary of this State as follows, that is to say: Beginning on the sea-side at a cedar stake at or near the mouth of Little River, being the southern extremity of Brunswick County; and runs thence a northwest course through the Boundary House which stands in thirty-three degrees and fifty-six minutes to thirty-five degrees north latitude; and from thence a west course so far as is mentioned in the charter of King Charles the Second to the late proprietors of Carolina: Therefore all the territories, seas, waters and harbors with their appurtenances, lying between the line above described and the southern line of the State of Virginia, which begins on the sea shore in thirty-six degrees and thirty minutes north latitude; and from thence runs west agreeable to the said charter of King Charles I., the right and property of the people of this State to be held by them in sovereignty, any partial line without the consent of the Legislature of this State at any time thereafter directed or laid out in any wise notwithstanding.

A number of provisos was included in the section, the last being that "nothing herein contained shall affect the title or possessions of individuals holding or claiming under the laws heretofore in force, or grants heretofore made by the late King George the Third, or his predecessors, or the late lord proprietors or any of them."

The history of the establishment of the line—thirty-six degrees and thirty minutes—as the northern boundary of North Carolina, is as follows: James I, King of England, on May 23, 1609, made a grant to Robert, Earl of Salisbury; Thomas, Earl of Suffolk, and numerous other persons, "of all those countries lying in that part of America called Virginia, from the point of land called Cape or Point Comfort, all along the sea-coast to the northward 200 miles, and from the same Point Comfort all along the sea-coast to the southward 200 miles, and all that space or circuit of land throughout from sea to sea." The above was the enlarged grant to the London Company, and extended along the Atlantic coast from Sandy Hook to Cape Fear, and from the Atlantic to the Pacific Ocean. In 1620 the grant to the Plymouth Company made the fortieth parallel their southern limit, and established that parallel as the northern boundary of Virginia. On March 24, 1662, Charles II made his first grant to the proprietors of Carolina as recited above, and on June 30, 1665, Charles II enlarged this grant, as also recited above, and named a line destined to become only less famous in the history of the United States than Mason and Dixon's line, viz.: the line of thirty-six degrees and thirty minutes north latitude. The language of this second charter

of Charles II, so far as it pertains to this famous line, is as follows: "All the province, etc., in America, extending north and eastward as far as the north end of Currituck River or inlet, upon a straight westerly line to Wyonoak Creek, which lies within or about thirty-six degrees and thirty minutes northern latitude, and so west on a direct line as far as the South Seas." North Carolina was called "Our County of Albemarle," in Carolina until about 1700, when it began to be called the Colony of North Carolina. The boundary line between North Carolina and Virginia soon began to be the source of considerable altercation between the two colonies, for the reason that the grant of Charles I overlapped the grant of his grandfather, James I. That this altercation was not followed by strife and bloodshed was due in part to the necessity of mutual aid and defense during the protracted struggle preceding and during the Revolution. But notwithstanding the forbearance thus caused and manifested it was necessary to locate this unlocated boundary line, for Virginians were continually claiming lands south of the proper line, under what they supposed to be titles from the Crown, and North Carolinians were as continually entering lands to the north of the proper limits under warrants from the lord proprietors of Carolina.

The London Company had been dissolved by James I, and when this dissolution occurred Virginia became a royal province; hence the settlement of the boundary line between Virginia and Carolina devolved upon the Crown and the lord proprietors. Early in 1710 commissioners representing the Crown of England, met similar commissioners representing the lord proprietors, having for their object the settlement of this vexed question. But upon attempting to fix upon a starting point, they failed to agree by a difference of about fifteen miles; hence they separated without having accomplished anything. Against the Carolina commissioners serious charges were made. On the 1st of March, 1710, an order of council was issued, from which the following is extracted: "The commissioners of Carolina are both persons engaged in interest to obstruct the settling of the boundaries; for one of them has been for several years surveyor general of Carolina, and has acquired great profit to himself by surveying lands within the controverted bounds, and has taken up several tracts of land in his own name. The other of them is at this time surveyor general, and hath the same prospect of advantage by making future surveys within the same bounds." The conclusion of the order is as follows: "Her Majesty, in Council, is pleased to order as it is hereby ordered, the Right Honorable, the Lord Commissioners for Trade and Plantations, do signify her Majesty's pleasure herein to her Majesty's Governor or Commander-in-chief of Virginia for the time

being, and to all persons to whom it may belong, as is proposed by their Lordships in said representation, and the Right Honorable, the Lord Proprietors of Carolina are to do what on their part does appertain."

In January, 1711, commissioners appointed by both the governors of North Carolina and Virginia again attempted to settle the question, but failed to complete their task for want of money. Great inconvenience to the settlers was the result of this protracted controversy, and a remedy was sought in an act, the preamble of which was as follows:

WHEREAS, great suit, debate and controversy hath heretofore been, and may hereafter arise by means of ancient titles to lands derived from grants and patents by the governor of Virginia, the condition of which patents has not been performed, nor quit-rents paid, or the lands have been deserted by the first patentees or from or by reason of former entries or patents or grants in this government, etc., and for the prevention of the recurrence of such troubles, and for quieting men's estates an act was passed.

In obedience to the above quoted order of the Queen an agreement was entered into between the two governors, Charles Eden and Alexander Spotswood, which was transmitted to England for the approbation of the King. This agreement was approved by the King in council, and also by the lord proprietors and returned to the governors to be executed. The agreement or "convention," as Haywood calls it, was as follows: "That from the mouth of Currituck River, or Inlet, setting the compass on the north shore thereof, a due west line shall be run and fairly marked, and if it happen to cut Chowan River between the mouth of Nottaway River and Wiccacon Creek, then the same direct course shall be continued toward the mountains, and be ever deemed the dividing line between Virginia and North Carolina. But if the said west line cuts Chowan River to the southward of Wiccacon Creek, then from that point of intersection the bounds shall be allowed to continue up the middle of the Chowan River to the middle of the entrance into said Wiccacon Creek, and from thence a due west line shall divide the two governments. That if said west line cuts Blackwater River to the northward of Nottaway River, then from the point of intersection the bounds shall be allowed to be continued down the middle of said Blackwater River to the middle of the entrance into said Nottaway River, and from thence a due west line shall divide the two governments, etc."

Commissioners were appointed to carry this agreement or convention into effect, in accordance with following order: "At the court of St. James, the 28th day of March, 1727. Present the King's Most Excellent Majesty in Council. * * His Majesty is hereupon pleased with the advice of his Privy Council to approve the said Proposals, * * and to order, as it is hereby ordered, that the Governor or Commander-in-chief of our Colony in Virginia do settle the said bound-

aries in conjunction with the Governor of North Carolina, agreeable to said Proposals." The royal commission, so far as it regards Virginia, was in part as follows: "George II. by the Grace of God of Great Britain, France and Ireland, King, Defender of the Faith, to our well-beloved William Byrd, Richard Fitz William and William Dandridge, Esqrs., members of our Council of the Colony and Dominion of Virginia, Greeting." This commission was dated December 14, 1727. The Carolina commission was dated February 21, 1728, and as that colony was under the government of the lord proprietors, the commission runs in their name: "Sir Richard Everard, Baronet, Governor, Captain, General and Commander-in-chief of the said Province: To Christopher Gale, Esqr., Chief Justice; John Lovick, Esqr., Secretary; Edward Mosely, Esqr., Surveyor General, and William Little, Esqr., Attorney General, Greeting: * * I, therefore, reposing especial confidence in you * * to be Commissioners on the part of the true and absolute Lord Proprietors."

The commissioners thus appointed met at Currituck Inlet March 6, 1728, and after some disputes placed a cedar post on the north shore of Currituck Inlet, as their starting point. This point was found to be in north latitude thirty-six degrees and thirty-one minutes, and at that point the variation of the compass was found to be very nearly three degrees, one minute and two seconds west. Allowing for this variation they ran, as they supposed, a due west line, passing through the Dismal Swamp, and acquired, as Col. Byrd expresses it, "immortal reputation by being the first of mankind that ever ventured through the Dismal Swamp." Upon arriving at Buzzard Creek about 169 miles westward from the Atlantic coast, the Carolina commissioners abandoned the work, October 5, 1728. Mr. FitzWilliam also abandoned the work at the same time. Col. Byrd and Mr. Dandridge continued the line to a point on Peter's Creek, a tributary of Dan River, near the Saura Towns, 241 miles and 30 poles from the coast, and there marked the termination of their work on a red oak tree, October 26, 1728. Col. Byrd wrote a delightful work entitled: "The History of the Dividing Line," in which he records his disappointment at finding that the people along the border were desirous of falling on the Carolina side of the line, and though disgusted and indignant, as well as disappointed, at this preference of the people, yet true to the generosity of his nature, he favored their wishes as far as his instructions would permit, and located the line about one mile north of thirty-six degrees and thirty-one minutes. In his history he says: "We constantly found the borderers laid it to heart, if their land was taken into Virginia. They chose much rather to belong to Carolina,

where they pay no tribute to God or Cæsar." Col. Byrd closes his narrative in the following language: "Nor can we by any means reproach ourselves of having put the Crown to any exorbitant expense in this difficult affair, the whole charge from beginning to end amounting to no more than £1,000. But let no one concerned in this painful Expedition complain of the scantiness of his pay, so long as his Majesty has been graciously pleased to add to our reward the Honour of his Royal approbation, and to declare, notwithstanding the Desertion of the Carolina Commissioners, that the line by us run shall hereafter stand as the true Boundary betwixt the Governments of Virginia and North Carolina."

The next step in the history of this line was taken in 1749, when it was extended westward from Peter's Creek, where Col. Byrd terminated his labors, to a point on Steep Rock Creek, a distance of eighty-eight miles, in all 329 miles from the coast. In this extension the commissioners on the part of Virginia were Joshua Fry, professor of mathematics in William and Mary College, and Peter Jefferson, father of Thomas Jefferson, afterward President of the United States; and on the part of North Carolina they were Daniel Weldon and William Churton.

The line thus extended by these last commissioners was satisfactory, and remained the boundary between North Carolina and Virginia; and as by the treaty of Paris in 1763, the Mississippi River was fixed upon as the western boundary of North Carolina, it was hoped that that and the northern boundary line were established—the latter at thirty-six degrees and thirty minutes. In 1779, urged by the necessities of the western settlements, the Legislatures of Virginia and North Carolina appointed a joint commission to extend the line westward between their respective territories. The commissioners on the part of North Carolina were Col. Richard Henderson and William B. Smith; and on the part of Virginia, Dr. Thomas Walker and Daniel Smith. These commissioners were instructed to begin the extension of the line where Fry and Jefferson, and Weldon and Churton ended their work; and if that were found to be truly in latitude thirty-six degrees and thirty minutes north, then to run due west from that point to the Tennessee or the Ohio River. If that point were found not to be truly in said latitude, then to run from the said place due north or due south into the said latitude and thence due west to the said Tennessee or Ohio River, correcting said course at due intervals by astronomical observations.

The commissioners met early in September, 1779, but failed to find the point on Steep Rock Creek where Fry and Jefferson, and Weldon and Churton ended their line. The point of observation chosen, according to memoranda of agreement entered on the books of both parties, was in

north latitude thirty-six degrees, thirty-one minutes and twenty-five seconds, and in west longitude eighty-one degrees and twelve minutes. From this point they ran due south one mile, to a point supposed to be in latitude thirty-six degrees and thirty minutes. From this point they ran a line, as they supposed, due west about forty-five miles, to Carter's Valley, when a disagreement occurred, and the two commissions separated. Each commission then ran a line independent of the other as far west as the Cumberland Mountain, the two lines being parallel with each other, and about two miles apart. The line run by the North Carolina commissioners, generally known as Henderson's line, was north of that run by the Virginia commissioners, likewise generally known as Walker's line. At the Cumberland Mountain the North Carolina commissioners abandoned their work after sending in a protest against Walker's line. The Virginia commissioners continued with their line to the Tennessee River, leaving, however, an unsurveyed gap from Deer Fork to the east crossing of Cumberland River, a distance estimated by them to be one hundred and nine miles. Although not authorized to do so, the commissioners marked the termination of this line on the Mississippi River, but did not survey the intervening distance. The total length of the line thus far surveyed was as follows: Bryd's line, 241 miles; Fry and Jefferson's line, 88 miles; Walker's line—from Steep Rock Creek to Deer Fork— $123\frac{3}{4}$ miles, unsurveyed line (estimated) 109 miles; from the east to the west crossing of the Cumberland, 131 miles; and from the Cumberland to the Tennessee River, $9\frac{1}{4}$ miles; total distance from the Atlantic Ocean to the Tennessee River, 702 miles. The commissioners were at Deer Fork November 22, 1779; at the east crossing of the Cumberland February 25, 1780; and at the Tennessee River March 23, following.

Considerable disorder followed the running of these two lines, as between them the authority of neither State was established; the validity of process from neither State was acknowledged; entries for lands between the lines were made in both States; and both States issued grants for the said lands. Crimes committed on this disputed territory could not be punished, and while no immediate action was taken by the two States, yet such a condition of society between them could not be long endured, especially as by concert of action a remedy could be applied. Upon this subject the Governor of Virginia addressed a letter to the Legislature of North Carolina, proposing that the line commonly called Walker's line be established as the boundary between the States; and that if that proposition were not satisfactory, they then would appoint commissioners to meet commissioners to be appointed by North Carolina, empowered to confer on the propriety of establishing either Walker's or Henderson's

line, and to report the result of their conference to the Legislatures of their respective States. This letter was referred by the Legislature of North Carolina to a committee of which Gen. Thomas Person was chairman, at its session commencing November 2, and ending December 22, 1789. The committee reported through Gen. Person in favor of the passage of a law confirming and establishing Walker's line as the boundary between the two States. Doubts arising as to the formality and sufficiency of this action of the Legislature, a second report was made by the Carolina committee on boundaries, of which Gen. Person was again chairman, again recommending the confirming of Walker's line as the boundary line. This report was read and concurred in December 11, 1790, by both the House of Commons and the Senate. Learning of this action on the part of North Carolina, the Legislature of Virginia passed an act on the 7th of December, 1791, declaring "That the line commonly called and known by the name of Walker's line shall be, and the same is hereby declared to be the boundary line of this State." Thus the boundary line, which had so long been in controversy, was regarded by both States as being finally settled.

With reference to the direction of the line run by Mr. Walker and Mr. Smith it may here be stated that in consequence of failure to make due allowance for the variation of the needle, this line continuously deflected toward the north. This deflection was caused either by the imperfection of their instruments or by the failure of the commissioners to test their work by a sufficient number of observations. Upon reaching the Tennessee River Walker's line was more than twelve miles too far north in a direct line, being near latitude thirty-six degrees and forty minutes, and where it first touched the State of Tennessee it was near latitude thirty-six degrees and thirty-four minutes.

With respect to the date of the first resolution confirming Walker's line, it should here be noted that it was adopted practically on the 2d of November, 1789, as under the law of North Carolina all acts related to the first day of the session, and the act ceding the Western Territory to the United States was passed at the same session of the Legislature, and thus, therefore, on the same day. The deed executed to Congress, in pursuance of the cession act, was dated February 25, 1790, and was accepted April 2, 1790. The second resolution confirmatory of Walker's line was passed December 11, 1790.

In 1792 William Blount, territorial governor of Tennessee, insisted that the first resolution of the Carolina Legislature, referred to above, was not a legal confirmation of Walker's line, and that the second resolution adopted December 11, 1790, having been passed many months

after the acceptance by Congress of the cession of the Western Territory, was invalid as to the United States, of which Tennessee was then a Territory. Gov. Blount also urged that for ten years previous to the cession North Carolina had exercised jurisdiction to Henderson's line, and announced his intention of maintaining that jurisdiction. A proclamation was issued by Gov. Blount asserting jurisdiction to Henderson's line, and a counter proclamation was issued by Gov. Lee, of Virginia, asserting jurisdiction to Walker's line. Matters remained in this rather hostile shape until 1801, when a joint commission was appointed to determine the true boundary line.

The Legislature of Tennessee passed an act appointing Moses Fisk, Gen. John Sevier and Gen. George Rutledge her commissioners to meet commissioners appointed by Virginia to take the latitude and run the line. Virginia appointed Joseph Martin, Creed Taylor and Peter Johnson. This commission met at Cumberland Gap December 18, 1802, and failing to agree in the result of their astronomical observations, entered into an agreement, which they reduced to writing, signed and sealed, and ran the line in accordance therewith parallel to the two lines in dispute and about midway between them, and about one mile from each. The agreement of the commissioners and the certificate of the surveyors who ran the line are as follows:

The commissioners for ascertaining and adjusting the boundary line between the two States of Virginia and Tennessee, appointed pursuant to the public authority on the part of each, have met at the place previously appointed for the purpose, and not uniting from the general result of their astronomical observations to establish either of the former lines called Walker's or Henderson's, unanimously agree, in order to end the controversy respecting the subject, to run a due west line equally distant from both, beginning on the summit of the mountain generally known by the name of White Top Mountain, where the northwest corner of Tennessee terminates, to the top of the Cumberland Mountain, where the southwestern corner of Virginia terminates, which is declared hereby to be the true boundary line between the two States, and has been accordingly run by Brice Martin and Nathan B. Markland, the surveyors duly appointed for the purpose, and marked under the direction of the said commissioners, as will more at large appear by the report of the said surveyors hereto annexed, and bearing date herewith. The commissioners do, therefore, unanimously agree to recommend to their respective States that individuals having claims or titles to lands on either side of the said line as now affixed and agreed upon and between the lines aforesaid, shall not in consequence thereof in any wise be prejudiced or affected thereby, and that the Legislatures of their respective States should pass mutual laws to render all such claims or titles secure to the owners thereof.

Given under our hands and seals at William Robertson's, near Cumberland Gap, the 8th day of December, 1802.

The certificate of the surveyors that they had run the line as above described was dated on the same day, and signed by both. This agreement and the line run in accordance therewith were confirmed by the Legislatures of both States, by Tennessee November 3, 1803, and by

Virginia in the same year, and the boundary between Virginia and Tennessee was thus finally established by a compromise. Although subsequent negotiations have occurred, no change has been made, but in 1859 the line was re-marked by Samuel Milligan and George R. McClellan, commissioners for Tennessee, and Leonidas Baugh and James C. Black, commissioners for Virginia.

While this compromise line midway between Walker's and Henderson's lines became the established boundary between Tennessee and Virginia, the boundary between Tennessee and Kentucky was Walker's line. In the first Carolina resolution confirming the Walker line, the following language was used: "Mr. Walker and the other commissioners from Virginia extended the line to the Tennessee River and marked its termination on the Mississippi from observations, leaving the line from the Tennessee to that place unsurveyed." The second resolution reaffirmed the first, and the Legislatures of both States ratified the action of the commissioners, thus clearly extending the line to the Mississippi River. But the action of Tennessee under Gov. Blount, above explained, repudiating the Carolina and Virginia compact, was seized upon by Kentucky in later years to reopen the boundary question as between her and Tennessee. As stated above Kentucky discovered that Walker's line was several miles north of thirty-six degrees and thirty minutes; the parallel upon which it was designed to be run, and was desirous of readjusting the boundary on that parallel. The logic of her argument in favor of this was irresistible: "Since by your own showing the confirmation of Walker's line by Virginia and North Carolina is invalid as to us, then we have no dividing line except the imaginary one of thirty-six degrees and thirty minutes. Let us move down south and locate it."

In 1813 Kentucky passed an act in the preamble to which she intimates her impatience at the continuance of the struggle, and her determination to find some effectual means of settling it: "Whereas Tennessee proposes to depart from the true line of separation * * * to be ascertained by correct and scientific observations, etc., the disagreeable necessity is imposed upon Kentucky of having the long-contested question finally settled by the means pointed out by the Constitution of the United States." The next step taken by Tennessee was November 17, 1815, when an act was passed to which the following is the preamble:

WHEREAS, Some difficulty has existed between the State of Kentucky and this State, and whereas it is essential to the harmony and interest of both States that the line commonly called Walker's line heretofore considered and acted on as the boundary between them should be established as the boundary between the two States, therefore be it en-

acted that the line commonly called Walker's line be, and the same is hereby established and confirmed as the true boundary between the States of Kentucky and Tennessee."

* * * * *

SEC. 5. *Be it enacted* that if the Legislature of Kentucky shall refuse to pass such an act as the above, then this act shall cease to be in force, etc.

In response to this proposition on the part of Tennessee, Kentucky passed an act on the 10th of February, 1816, in which she declines to accept the line proposed, but offers to adopt "Walker's line so far as it was originally run and marked, to wit: From a point near the mouth of Obed's, *alias* Obey's River to the Tennessee River, as the true jurisdictional line between this State and the State of Tennessee, and as to the residue of the line between the two States, the following shall be adopted as the true position thereof: At the eastern extremity of Walker's line near the mouth of Obed's River aforesaid, a line shall be run at right angles either north or south, as the case may require, till it reaches the true chartered limits of the two States in the latitude of thirty-six degrees and thirty minutes north, and from that point the line shall be extended to the east, still keeping the same latitude till it reaches the eastern boundary of this State; and at the west extremity of Walker's line, to wit, the Tennessee River, a line shall be extended up or down the said river as the case may require till it reaches the true chartered latitude thirty-six degrees and thirty minutes north, and from that point the line shall be extended due west, still keeping the same latitude till it reaches the Mississippi River."

Had this proposition been accepted by Tennessee about 180 miles of the boundary line would have been placed on the "chartered latitude," thirty-six degrees and thirty minutes; but Tennessee could be satisfied with nothing short of Walker's line, or at least with very little less than that line as her northern boundary, and in order to show her insistence on that line passed an act, after reciting the customary preamble, "that the line commonly called Walker's line, so far as the same has been run and marked, shall be considered and taken to be the true line between the States."

SEC. 2. That as soon as the State of Kentucky shall pass a law agreeing thereto, a direct line from the eastern extremity of the line called Walker's line, as marked at Cumberland River, to Walker's line at a place called Cumberland Gap, shall be considered and taken the true line between the States.

SEC. 3. That this State will, provided the State of Kentucky agree thereto, apply to the Executive of the United States to appoint a commissioner to ascertain the true point where the boundary line between this State and the State of Kentucky will strike the Tennessee River on the western bank thereof, and that from that point a line shall be run directly west to the western boundary of the State of Tennessee, which shall be the line bounding the two States.

This persistence on the part of Tennessee in affirming what she con-

sidered to be her right, considerably nettled her sister State, who replied to this proposal on January 30, 1818, by the following "spicy enactment."

Be it enacted that all laws heretofore passed by the General Assembly of this commonwealth relative to the boundary line between this State and Tennessee shall be, and the same are hereby repealed.

SEC. 2. That the southern boundary line of this State shall be and remain on a line running west from the top of Cumberland Mountain to the Mississippi River in 36° 30' north latitude, anything in any former law passed by this State to the contrary notwithstanding.

In pursuance of this enactment Kentucky, in 1819, sent her surveyors Alexander and Munsell to run and mark the line on thirty-six degrees and thirty minutes between the Tennessee and Mississippi Rivers, and declared this to be the true boundary. This line struck the Tennessee River about twelve miles in a direct line south of Walker's line, and if it had been continued on eastward it would have passed about two miles to the south of Clarksville. It was now evident to Tennessee that her territorial integrity was in danger, and that decided steps must be taken if she would not lose to a large extent in property and population. She realized her own illogical position in claiming jurisdiction to a line the validity of which as a boundary she had solemnly repudiated. She could not rest quietly in possession, for she plainly saw that Kentucky intended to have the boundary question settled, and to extend her southern line down to the "chartered limits" of the State, thirty-six degrees and thirty minutes; the latitude in which Walker's line was supposed to be run. It was necessary to find some plea by which she could still plausibly maintain her right to Walker's line as actually run as her northern boundary. This plea was supplied by Gov. Joseph McMinn in his message of October 6, 1819, and it was the only plea which Tennessee could bring to her aid, the desire of the people residing on the belt of territory between the "chartered limits," and Walker's line, to remain under the jurisdiction of Tennessee. He admitted that Alexander & Munsell's line, if it were in fact in latitude thirty-six degrees and thirty minutes, should be allowed to stand. The necessity of this compromise was forced upon Tennessee by her being estopped from pleading the confirming of Walker's line by the Virginia and Carolina compact which under Gov. William Blount she had repudiated.

The Legislature of Tennessee having thus failed to establish her claim by enactments determined to send commissioners to the Kentucky Legislature and try the efficacy of a joint commission. Kentucky though opposed to that method of settling the question, was at length persuaded by Tennessee's commissioners, Felix Grundy and William L. Brown, to

appoint a commission, selecting John J. Crittenden and Robert Trimble. Notwithstanding the fact that Kentucky's argument as to abstract title was unanswerable, yet the Tennessee commissioners successfully urged actual possession, and the desires of the people, together with the multitude of hardships that must necessarily result from a change, and offered to permit all the lines to remain as then located including Alexander & Munsell's line. The compromise was accepted by Kentucky, and effected February 2, 1820. According to this compromise the boundary line was to be Walker's line to the Tennessee River; thence up and with said river to Alexander & Munsell's line; thence with said line to the Mississippi River—the treaty to be valid when ratified by the Legislature of Kentucky. Thus the main points were finally settled, but still for some years numerous inconveniences continued to develop from the loss of some of the landmarks of Walker's line, the uncertainty regarding others, and the unsurveyed gap, between Deer Fork and the Cumberland River. In 1821, this gap unsurveyed by Walker, was surveyed by a joint commission consisting of William Steele, on the part of Kentucky, and Absalom Looney, on the part of Tennessee, and they extended their survey from the east crossing of Cumberland River to Cumberland Gap. On November 13, 1821, Tennessee passed an act confirming this survey as far as it extended, including in the act a minute description of the survey, and on the 22d of the same month Kentucky confirmed this line.

In 1831 James Bright, commissioner for Tennessee, and Dr. Munsell, commissioner for Kentucky, ran and marked Walker's line along the southern borders of Allen, Simpson and Trigg Counties straight from the point near the west crossing of the Cumberland River to the Tennessee. This survey, if adopted, would have thrown into Kentucky a strip of land about a mile wide which is now a portion of Tennessee.

In 1845 Gov. James C. Jones appointed, as commissioners on the part of Tennessee, C. W. Nance and William P. McLain, who met Messrs. Wilson and Duncan, commissioners from Kentucky, in October of that year, and marked a line along the borders of Trigg and Christian Counties, and along that portion of Fulton County west of Reelfoot Lake. These different lines were all readjusted in 1859, by a joint commission consisting of Benjamin Peeples and O. R. Watkins, commissioners; O. H. P. Bennett, engineer; J. Trafton, L. Burnett, assistant engineers, and J. M. Nicholson, surveyor, on the part of Tennessee; and Austin P. Cox and C. M. Driggs, commissioners; J. Pillsburg, engineer; G. Trafton, G. Stealey and A. Hensly, assistant engineers, on the part of Kentucky. They met at a place called Compromise, on the Mississippi River, and having improved instruments made an accurate and satisfactory survey.

placing the stones as required and marking the line on permanent trees with four chops toward the east and toward the west.

From Compromise, in latitude thirty-six degrees, twenty-nine minutes and fifty-five and seven hundredths seconds, they followed very nearly along Alexander and Munsell's line to the Tennessee, in latitude thirty-six degrees, twenty-nine minutes and fifty-four seconds. Thence they ran down the Tennessee to Walker's line, which is very nearly in latitude thirty-six degrees, forty minutes and forty-five seconds, and from this point they followed Walker's line to the southeastern corner of Kentucky, latitude thirty-six degrees, thirty-four minutes and fifty-three and forty-eight hundredths seconds. From this point they ran to the southwest corner of Virginia in latitude thirty six degrees, thirty-six minutes and ninety-two hundredths seconds. This survey cost Tennessee \$25,357, and Kentucky \$22,630.07. The stone posts cost \$1,265. Kentucky approved the acts of this joint commission February 28, 1860, and Tennessee March 21, 1860.

Thus after a protracted, and in many instances a vexatious controversy, lasting from 1792 to 1860, Tennessee finally established her title, if not her right, to that strip of territory extending from White Top Mountain to the Tennessee River. That portion adjoining Virginia is about 110 miles long, and averages about seven miles in width, while that adjoining Kentucky is about 245 miles long, and about five and three-quarters miles wide at its eastern extremity, gradually increasing in width until it reaches the Tennessee, where it is about twelve and one-half miles wide.

For this acquisition she is indebted first to the failure of the Virginia and Carolina commissioners to make due allowance for the variation of the needle; second, to the fidelity and ability of her public servants; third, to the preference of the people along the border to remain within her jurisdiction, and fourth, to the liberality of Kentucky and Virginia, which led them to respect the preferences of the people. And for the loss of the strip west of the Tennessee and between the "chartered limits" and Walker's line, she is indebted to the repudiation by Gov. Blount, of the Virginia and Carolina compact. And yet, although this struggle which lasted so long and had attracted so much attention, was settled thus in 1860, her constitution of 1870 adheres to the old imaginary lines, and describes her northern boundary as thirty-six degrees and thirty minutes, but this careless description is well guarded by the following clause: "Provided that the limits and jurisdiction of this State shall extend to any other land and territory now acquired by compact or agreement with other States or otherwise, although such land and territory are not included within the boundaries hereinbefore designated."

The history of the southern boundary line of this State is not of such absorbing interest, nor fortunately so long as that above detailed. Quoting again from the Declaration of Rights: "That line and that only should be esteemed the southern boundary of this State (North Carolina) as follows, that is to say: Beginning on the sea-side at a cedar stake at or near the mouth of Little River, being the southern extremity of Brunswick County and runs thence a northwest course through the Boundary House, which stands in thirty-three degrees and fifty-six minutes, to thirty-five degrees north latitude, and from thence a west course, so far as is mentioned in the charter of King Charles II to the late proprietors of Carolina." This declaration was adopted in December, 1776, and shows that the parallel of thirty-five degrees north latitude was considered as the established southern boundary line of North Carolina westward from the point where the line "running a northwest course through the Boundary House" if extended would intersect that parallel. To establish the line between North and South Carolina, commissioners were appointed by both these colonies in 1737. Those of the former colony were Robert Hilton, Matthew Rowan and Edward Mosely. They began at the cedar stake on the sea shore by the mouth of Little River, and ran the line until they arrived at the thirty-fifth degree. At the termination of the northwest line they erected a light wood stake upon a mound. The line was continued by private parties twenty miles, and in 1764 was still further extended.

In 1818 the boundary between Tennessee and Georgia was established. The commissioners appointed Joseph Cobb surveyor, and two chain carriers and two markers. These parties arrived at Ross' in the Cherokee nation on the 15th of May. From Ross', which was on the Tennessee River, they proceeded to Nickajack, where on the next day they met the commissioners and surveyor appointed by Georgia. The joint commission decided that the thirty-fifth degree of north latitude was one mile and twenty-eight poles from the south bank of the Tennessee, due south from near the center of the town of Nickajack. This point was supposed by them to be the corner of the States of Georgia and Alabama. At this point they caused a rock to be erected, two feet high, four inches thick and fifteen inches broad, engraved on the north side "June 1, 1818, Var. six degrees and forty-five minutes east," and on the south side "Geo. Lat. thirty-five degrees north, J. Carmack." From this rock they ran the line due east to the top of the Unaka Mountains, where they closed their survey with a variation of the compass of five degrees and thirty minutes; the length of the line surveyed being nearly 110 miles. The line west of Nickajack was extended in part by Gen. Coffee and the

residue by Gen. Winchester. The boundary line between Tennessee and Mississippi was also run by John Thompson, and his line was adopted by Tennessee as the southern boundary, but Mississippi failed to adopt it. The question was finally settled by Tennessee November 9, 1837, and by Mississippi February 8, 1838, on which dates the two States, respectively, ratified the proceedings of a joint commission to run the true boundary line. The history of the running of the line is sufficiently shown in the language of the act by the Tennessee Legislature above referred to as follows:

WHEREAS the State of Tennessee believing the southern boundary line of the State dividing Tennessee from Mississippi was not correctly run by the commissioners in 1819, with the thirty-fifth parallel of north latitude; and whereas the State of Tennessee, by an act passed November 29, 1833, did establish what is known as Thompson's line as the southern boundary of the State, which act did not receive the sanction of the State of Mississippi; and whereas the authorities of Tennessee and Mississippi having recently by commissioners on the part of the two States, run and marked another line which is agreed upon providing they ratify the same, which line is described in the commissioners' report as follows: Commencing at a point on the west bank of the Tennessee River, sixty-four chains south or above the mouth of Yellow Creek and about three-fourths of a mile north of the line known as Thompson's line, and twenty-six chains and ten links north of Thompson's line at the basis meridian of the Chickasaw surveys, and terminating at a point in the east bank of the Mississippi River, opposite Cow Island, sixteen chains north of Thompson's line; therefore

Be it enacted, etc., That the line as run and marked between this State and Mississippi by B. A. Ludlow, D. W. Connely and W. Petrie (commissioners on the part of Mississippi), and John D. Graham and Austin Miller (commissioners on the part of Tennessee) be and the same is hereby declared to be the true southern boundary of the State of Tennessee, being 35° north latitude, and that the jurisdiction of the State be extended to that line in as full and ample a manner as the same was extended to the line run by Winchester.

The eastern boundary line, or that between Tennessee and North Carolina, was finally established by an act passed by the Legislature of the former State during the session commencing November 19, 1821, the language of the act running somewhat as follows: That the dividing line run and marked by Alexander Smith, Isaac Allen and Simeon Perry, commissioners on the part of Tennessee, and James Mebane, Montford Stokes and Robert Love, commissioners from North Carolina, which line begins at a stone set up on the north side of the Cataloochee Turnpike Road, and marked on the west side "Tenn. 1821," and on the east side "N. C. 1821," and running along the summit of the Great Smoky Mountains, etc., etc., and striking the southern boundary line twenty-three poles west of a tree in said line marked "72 M," where was set up by said commissioners a square post, marked on the west side "Tenn. 1821," and on the east side "N. C. 1821" and on the south side "G." be and the same is hereby ratified, confirmed and established as the true boundary line between this State and North Carolina. This line was confirmed by

the Legislature of North Carolina during the session commencing November 19, 1821.

THE WATAUGA ASSOCIATION.

The settlers on the Watauga and Holston, though very near the boundaries of Virginia and North Carolina, and though most of them were emigrants from the latter State, were living without the protection of the laws of either. Being thus without regular government, it was necessary for them to adopt for themselves rules for their own guidance. These rules were adopted in 1772, and are believed to have constituted the first written compact of government west of the mountains. The government was simple and moderate, paternal and patriarchal, summary and firm. The settlers elected as commissioners thirteen citizens, as follows: John Carter, Charles Robertson, James Robertson, Zachariah Isbell, John Sevier, James Smith, Jacob Brown, William Bean, John Jones, George Russell, Jacob Womack, Robert Lucas and William Tatham. Of these thirteen commissioners five were appointed as a court, by whom all matters in controversy were settled, and the same tribunal had entire control of everything pertaining to the public good. This court was composed, it is believed, of the following persons: John Carter, Charles Robertson, James Robertson, Zachariah Isbell and John Sevier, with William Tatham as clerk. For a number of years this form of government performed its functions with success and satisfaction to the people. But at length dissensions arose, and the result of these various views and desires of the people was the establishment of the State of Franklin, as detailed later in this chapter.

After the establishment of the Watauga Association, the Government of the Notables was the next in the order of time. This was on the banks of the Cumberland, as that was on the banks of the Watauga. It grew up from the necessities of the people, far removed from any protecting government. Robertson's principal colony arrived at the French Lick about January 1, 1780—Putnam says December 25, 1779. John Donelson's party arrived April 24, 1780, and on May 1 following, the compact of government or articles of agreement were entered into by the settlers on the Cumberland. It was stated in the chapter on the settlement of the territory, that in the vicinity of the French Lick there were eight stations, and when the government came to be established, each station was entitled to representatives in the "Tribunal of Notables" as follows:

Nashborough (at Nashville)	3
Mansker's (Casper Mansker's Lick)	2
Bledsoe's (now Castilian Springs)	1

Asher's (Station Camp Creek).....	1
Freeland's (at Dr. McGavock's or Horticultural Garden).	1
Eaton's (now Brooklyn).....	2
Fort Union (where Haysborough was).....	1
Stone's River (west of the Hermitage).....	1

These representatives, or a majority of them, after being bound by the solemnity of an oath to do equal and impartial justice between all contending parties, were empowered and made competent to settle all controversies relative to location and improvements of lands; all other matters and questions of dispute among the settlers; protecting the reasonable claims of those who may have returned for their families; providing implements of husbandry and food for such as might arrive without such necessities; making especial provisions for widows and orphans whose husbands or fathers may die or be killed by the Indians; guaranteeing equal rights, mutual protection and impartial justice; pledging themselves most solemnly and sacredly to promote the peace, happiness and well being of the community, to suppress vice and punish crime.

In this compact one of the principal elements of popular government was expressly set forth, viz.: the right of the people at the various stations to remove their representative or judge, or other officers, for misconduct or unfaithfulness in the discharge of their duties, and to elect others to fill the vacancies. "This tribunal exercised the prerogatives of government to their fullest extent, with the exception of the infliction of capital punishment. They called out the militia of the stations to 'repel or pursue the enemy;' impressed horses for such service as the public exigency might demand; levied fines, payable in money or provisions; adjudicated causes; entered up judgments and awarded executions; granted letters of administration upon estates of deceased persons, taking bonds 'payable to Col. James Robertson, chairman of committee,' " etc.

Following are the articles of agreement, or compact of government, entered into by the settlers on the Cumberland River May 1, 1780. The first page is lost and the second torn and defaced, but there can be read distinctly as follows, supplying in brackets lost words:

* * property of right shall be determined as soon [as] conveniently may be in the following manner: The free men of this country over the age [of twenty] one years shall immediately, or as soon as may [be convenient], proceed to elect or choose twelve conscientious and [deserving] persons from or out of the different sections, that is [to] say: From Nashborough, three; Mansker's, two; Bledsoe's, one; Asher's, one; Stone's River, one; Freeland's, one; Eaton's, two; Fort Union, one. Which said persons, or a majority of them, after being bound by the solemnity of an oath, to do equal and impartial justice between all contending parties, according to their best skill and judgment, having due regard to the regulations of the land office herein established, shall be competent judges of the matter, and * * hearing the allegations of both parties and [their] witnesses as to the facts alleged or otherwise * * as to the truth of the case, shall have [power] to

decide controversies, and determine who is of right entitled to an entry for such land so in dispute, when said determination or decision shall be forever binding against the future claim of the party against whom such judgment [shall be rendered]. And the entry taker shall make a [record thereof] in his book accordingly, and the entry * * tending party so cast shall be * * * if it had never been made, and the land in dispute * * * to the person in whose favor such judgment shall * * * in case of the death, removal, or absence of any of the judges so to be chosen, or their refusing to act, the station to which such person or persons belong, or was chosen from, shall proceed to elect another, or others, in his or their stead, which person, or persons, so chosen, after being sworn, as aforesaid, to do equal and impartial justice, shall have full power and authority to proceed to business, and act in all disputes respecting the premises as if they had been originally chosen at the first election.

That the entry book shall be kept fair and open by * * person * * to be appointed by said Richard Henderson * * * chose, and every entry for land numbered and dated, and * * * order without leaving any blank leaves or spaces * * * to the inspection of the said twelve judges, or * * of them at all times.

That many persons have come to this country without implements of husbandry, and from other circumstances are obliged to return without making a crop, and [intend] removing out this fall, or early next spring, and it * * reason * * such should have the pre-emption * * * of such places as they may have chosen. * * the purpose of residence, therefore it is * * * be taken for all such, for as much land as they are entitled to from their head-rights, which said lands shall be reserved for the particular person in whose name they shall be entered, or their heirs, provided such persons shall remove to this country and take possession of the respective place or piece of land so chosen or entered, or shall send a laborer, or laborers, and a white person in his or her stead to perform the same, on or before the first day of May, in the year one thousand seven hundred and eighty-one; and also provided such land so chosen and entered for is not entered and claimed by some person who is an inhabitant, and shall raise a crop of corn the present year at some station or place convenient to the general settlement in this country. But it is fully to be understood that those who are actually at this time inhabitants of this country shall not be debarred of their choice or claim on account of the right of any such absent or returning person or persons. It is further proposed and agreed that no claim or title to any lands whatsoever shall be set up by any person in consequence of any mark or former improvement, unless the same be entered with the entry taker within twenty days from the date of this association and agreement; and that when any person hereafter shall mark or improve land or lands for himself, such mark or improvement shall not avail him or be deemed an evidence of prior right, unless the same be entered with the entry taker in thirty days * * from the time of such mark or improvement, but no other person shall be entitled to such lands so as aforesaid to be reserved * * consequence of any purchase gift, or otherwise.

That if the entry taker to be appointed shall neglect or refuse to perform his duty, or be found by said judges, or a majority of them, to have acted fraudulently, to the prejudice of any person whatsoever, such entry taker shall be immediately removed from his office, and the book taken out of his possession by the said judges, until another be appointed to act in his room.

That as often as the people in general are dissatisfied with the doings of the judges or triers so to be chosen, they may call a new election at any of the said stations and elect others in their stead, having due respect to the number now to be elected at each station, which persons so to be chosen shall have the same power with those in whose room or place they shall or may be chosen to act.

That as no consideration money for the lands on Cumberland River, within the claim of the said Richard Henderson and Company, and which is the subject of this association, is demanded or expected by the said company, until a satisfactory and indisputable title can be made, so we think it reasonable and just that the £36, 13s. 4d. current money per hundred acres, the price proposed by the said Richard Henderson, shall be

paid according to the value of money on the first day of January last, being the time when the price was made public, and settlement encouraged thereon by said Henderson, and the said Richard Henderson on his part does hereby agree that in case of the rise or appreciation of money from that, * * * an abatement shall be made in the sum according to its raised or appreciated value.

That where any person shall remove to this country with intent to become an inhabitant and depart this life, either by violence or in the natural way, before he shall have performed the requisites necessary to obtain lands, the child or children of such deceased person shall be entitled, in his or her room, to such quantity of land as such person would have been entitled to in case he or she had lived to obtain a grant in their own name; and if such death be occasioned by the Indians the said Henderson doth promise and agree that the child or children shall have as much as amounts to their head-rights *gratis*, surveyor's and other incidental fees excepted.

AND WHEREAS, from our remote situation and want of proper offices for the administration of justice, no regular proceedings at law can be had for the punishment of offenses and attainment of right, it is therefore agreed that until we can be relieved by Government from the many evils and inconveniences arising therefrom, the judges or triers to be appointed as before directed when qualified shall be and are hereby declared a proper court or jurisdiction for the recovery of any debt or damages; or where the cause of action or complaint has arisen, or hereafter shall commence for anything done or to be done among ourselves, within this our settlement on Cumberland aforesaid, or in our passage hither, where the laws of our country could not be executed, or damages repaired in any other way; that is to say, in all cases where the debt or damages or demand does or shall not exceed one hundred dollars, any three of the said judges or triers shall be competent to make a court, and finally decide the matter in controversy; but if for a larger sum, and either party shall be dissatisfied with the judgment or decision of such court, they may have an appeal to the whole twelve judges or triers, in which case nine members shall be deemed a full court, whose decision, if seven agree in one opinion, the matter in dispute shall be final, and their judgment carried into execution in such manner, and by such person or persons as they may appoint, and the said courts, respectively, shall have full power to tax such costs as they may think just and reasonable, to be levied and collected with the debt or damages so to be awarded.

And it is further agreed that a majority of said judges, or triers, or general arbitrators shall have power to punish in their discretion, having respect to the laws of our country, all offenses against the peace, misdemeanors, and those criminal or of a capital nature provided such court does not proceed with execution so far as to affect life or member; and in case any should be brought before them whose crime is or shall be dangerous to the State, or for which the benefit of clergy is taken away by law, and sufficient evidence or proof of the fact or facts can probably be made, such courts, or a majority of the members, shall and may order and direct him, her, or them to be safely bound and sent under a strong guard to the place where the offense was or shall be committed, or where legal trial of such offense can be had, which shall accordingly be done, and the reasonable expense attending the discharge of this duty ascertained by the court, and paid by the inhabitants in such proportion as shall be hereafter agreed on for that purpose.

That as this settlement is in its infancy, unknown to government, and not included in any county within North Carolina, the State to which it belongs, so as to derive the advantages of those wholesome and salutary laws for the protection and benefits of its citizens, we find ourselves constrained from necessity to adopt this temporary method of restraining the licentious, and supplying, by unanimous consent, the blessings flowing from a just and equitable government, declaring and promising that no action or complaint shall be hereafter instituted or lodged in any court of record within this State or elsewhere, for anything done or to be done in consequence of the proceedings of the said judges or general arbitrators so to be chosen and established by this our association.

That the well-being of this country entirely depends, under Divine Providence, on unanimity of sentiment and concurrence in measures, and as clashing interests and opin-

ions without being under some restraint will most certainly produce confusion, discord and almost certain ruin, so we think it our duty to associate and hereby form ourselves into one society for the benefit of present and future settlers, and until the full and proper exercise of the laws of our country can be in use, and the powers of government exerted among us, we do solemnly and sacredly declare and promise each other that we will faithfully and punctually adhere to, perform and abide by this our association, and at all times, if need be, compel by our united force a due obedience to these our rules and regulations. In testimony whereof we have hereunto subscribed our names, in token of our entire approbation of the measures adopted.

The following additional resolutions were adopted and entered into at Nashborough, May 31, 1780:

That all young men over the age of sixteen years, and able to perform militia duty, shall be considered as having a full right to enter for and obtain lands in their own names as if they were of full age; and in that case not be reckoned in the family of his father, mother or master so as to avail them of any land on their account.

That when any person shall mark or improve land or lands, with intent to set up a claim thereto, such person shall write or mark in legible characters the initial letters of his name at least, together with the day of the month and year on which he marked or improved the same at the spring or most notorious part of the land, on some convenient tree or other durable substance, in order to notify his intention to all such as may inquire or examine; and in case of dispute with respect to priority of right, proof of such transaction shall be made by the oath of some indifferent witness, or no advantage or benefit shall be derived from such mark or improvement; and in all cases where priority of mark or occupancy cannot be ascertained according to the regulations and prescriptions herein proposed and agreed to, the oldest or first entry in the office to be opened in consequence of this association shall have the preference, and the lands granted accordingly.

It is further proposed and agreed that the entry office shall be opened at Nashborough on Friday, the 19th of May, instant, and kept from thenceforward at the same place unless otherwise directed by any future convention of the people in general or their representatives.

That the entry taker shall and may demand and receive twelve dollars for each entry to be made in his book, in manner before directed, and shall give a certificate thereof if required; and also may take the same fee for every caveat or counter-claim to any lands before entered; and in all cases where a caveat is to be tried in manner before directed, the entry book shall be laid before the said committee of judges, triers, or general arbitrators, for their inspection and information, and their judgment upon the matter in dispute fairly entered as before directed; which said court or committee is also to keep a fair and distinct journal or minutes of all their proceedings, as well with respect to lands as other matters which may come before them in consequence of these our resolutions.

It is also firmly agreed and resolved that no person shall be admitted to make an entry for any lands with the said entry taker, or permitted to hold the same, unless such person shall subscribe his name and conform to this our Association, Confederacy and General Government, unless it be for persons who have returned home, and are permitted to have lands reserved for their use until the first day of May next, in which case entries may be made for such absent persons according to the true meaning of this writing, without their personal presence, but shall become utterly void if the particular person or persons for whom such entry shall be made should refuse or neglect to perform the same as soon as conveniently may be after their return, and before the said first day of May, 1781.

WHEREAS, The frequent and dangerous incursions of the Indians and almost daily massacre of some of our inhabitants renders it absolutely necessary for our safety and defense that due obedience be paid to our respective officers elected and to be elected at the several stations or settlements to take command of the men or militia at such fort or station,

It is further agreed and resolved that when it shall be adjudged necessary and expedient by such commanding officer to draw out the militia of any fort or station to pursue

or repulse the enemy, the said officer shall have power to call out such and so many of his men as he may judge necessary, and in case of disobedience may inflict such fine as he in his discretion shall think just and reasonable, and also may impress the horse or horses of any person or persons whomsoever, which, if lost or damaged in such service, shall be paid for by the inhabitants of such fort or station in such manner and such proportion as the Committee hereby appointed, or a majority of them, shall direct and order; but if any person shall be aggrieved, or think himself unjustly vexed and injured by the fine or fines so imposed by his officer or officers, such person may appeal to the said Judges or Committee of General Arbitrators, who, or a majority of them, shall have power to examine the matter fully and make such order therein as they may think just and reasonable, which decision shall be conclusive on the party complaining as well as the officer or officers inflicting such fine; and the money arising from such fines shall be carefully applied for the benefit of such fort or station in such manner as the said Arbitrators shall hereafter direct.

It is lastly agreed and firmly resolved that a dutiful and humble address or petition be presented by some person or persons to be chosen by the inhabitants, to the General Assembly, giving the fullest assurance of the fidelity and attachment to the interest of our country and obedience to the laws and Constitution thereof; setting forth that we are confident our settlement is not within the boundaries of any nation or tribe of Indians, as some of us know and all believe that they have fairly sold and received satisfaction for the land or territories whereon we reside, and therefore we hope we may not be considered as acting against the laws of our country or the mandates of government.

That we do not desire to be exempt from the ratable share of the public expense of the present war, or other contingent charges of government. That we are, from our remote situation, utterly destitute of the benefit of the laws of our country, and exposed to the depredations of the Indians, without any justifiable or effectual means of embodying our militia, or defending ourselves against the hostile attempts of our enemy; praying and imploring the immediate aid and protection of government, by erecting a county to include our settlements; appointing proper officers for the discharge of public duty; taking into consideration our distressed situation with respect to Indians, and granting such relief and assistance as in wisdom, justice and humanity may be thought reasonable.

Nashborough, 13th May, 1780.

To these articles of agreement 250 persons signed their names, all of whom could write but one, James Patrick, who made his mark. No records of the government of the Notables have been discovered by any historian, for the reason, doubtless, that few, if any, were made. Putnam to whom this, as well as other histories, is largely indebted for its account of this government on the Cumberland says on this point: "After the organization of the primitive government on May-day, 1780, down to January, 1783, we have no records, not even a fugitive scrap or sheet, of which that ready clerk, Andrew Ewin, was usually so careful. The people were so greatly exposed and kept in such constant alarm, some leaving, and many agitating the propriety or possibility of remaining, all admitting that their perils were imminent and were likely so to continue for an indefinite period, that we may presume there were no regular meetings of the judges and no regular minutes made. * * *

"From our researches we conclude that immediately after the adoption of the articles, an election was held at the stations, and that then Robertson was chosen colonel; Donelson, lieutenant-colonel; Lucas, major;



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and George Freeland, Mauldin, Bledsoe and Blackmore, captains." How long these individuals remained in office, or what duties they performed, is not now known. But in 1783 the government was revived, as the following extract shows:

NORTH CAROLINA, CUMBERLAND RIVER, January 7, 1783

The manifold sufferings and distresses that the settlers here have from time to time undergone, even almost from our first settling, with the desertion of the greater number of the first adventurers, being so discouraging to the remaining few that all administration of justice seemed to cease from amongst us, which, however weak, whether in constitution, administration or execution, yet has been construed in our favor against those whose malice or interest would insinuate us a people fled to a hiding place from justice, and the revival of them again earnestly recommended. It appears highly necessary that for the common weal of the whole, the securing of peace, the performance of contracts between man and man, together with the suppression of vice, again to revive our former manner of proceedings, pursuant to the plan agreed upon at our first settling here, and to proceed accordingly until such times as it shall please the Legislature to grant us the salutary benefits of the law duly administered amongst us by their authority.

To this end, previous notice having been given to the several stationers to elect twelve men of their several stations, whom they thought most proper for the business, and being elected, to meet at Nashborough on the 7th day of January, 1783.

Accordingly there met at the time and place aforesaid Col. James Robertson, Capt. George Freeland, Thomas Molloy, Isaac Lindsey, David Rounsevail, Heydon Wells, James Maulding, Ebenezer Titus, Samuel Barton and Andrew Ewin, who constituted themselves into a committee, for the purposes aforesaid, by voluntarily taking the following oath:

I. —, do solemnly swear that as a member of the committee, I will do equal right and justice, according to the best of my skill and judgment, in the decision of all causes that shall be laid before me without fear, favor or partiality. So help me God.

The committee then proceeded to elect Col. James Robertson, chairman; John Montgomery, sheriff, and Andrew Ewin, clerk, and to fix the clerk's fees. From this time to the organization of Davidson County in April, 1783, the committee held meetings as occasion required, accounts of which will properly be introduced as a prelude to the history of that organization. And in this way the government of the Notables served its purpose and came to its end. It was wholly unlike that other anomaly in government, the State of Franklin, in not aspiring to independent Statehood, and always looking steadily to North Carolina as the source of proper government for the settlers on the Cumberland. Its proceedings were frequently dated "North Carolina, Cumberland District," and a part of the time "Nashborough," and were continued until in August, after which the regular authorities of Davidson County, the act for the organization of which was approved October 6, 1783, assumed authoritative control of public affairs.

THE STATE OF FRANKLIN.

The Revolutionary war was over and independence won. The colonies and their dependencies were thrown entirely upon their own resources.

Society was in an unsettled, in somewhat of a chaotic condition, but it is remarkable that there was very little of the spirit of insubordination and anarchy. The main reason for the universal disposition to maintain order was undoubtedly the financial necessities of the various colonial governments, as well as those of the Continental Congress. The stability of the individual States and of the General Government depended, in large measure, upon the extinguishment of the debts that had been created during the war of the Revolution.

One of the expedients for improving the condition of things resorted to by Congress, was its suggestion to such of the States as owned vacant lands to throw them together, establish a joint fund, and with this joint fund pay off the common debt. North Carolina owned a large amount of territory, extending from the Alleghany Mountains to the Mississippi River, and among the measures adopted by her General Assembly was the act of June, 1783, ceding to Congress the lands therein described. According to this act the authority of North Carolina was to extend over this territory until Congress should accept the cession. The members to the General Assembly, from the four western counties, Washington, Sullivan, Greene and Davidson, were present and voted for the cession.

These members perceived a disinclination on the part of the parent State to make proper provision for the protection of the people in the western province. Accounts were constantly being presented to the General Assembly for the defense of the frontier settlements against the Indians. These accounts were reluctantly received, cautiously scrutinized and grudgingly paid. Crimination and recrimination were mutually indulged in by North Carolina and her western counties, and it was even intimated that some of these accounts, or portions of some of them, were fabricated or invented. The inhabitants of these western counties, whose exposed situation seemed not to be appreciated and whose honor seemed thus to be impugned, remembering that in the Bill of Rights adopted at the same time with the State Constitution, a clause had been inserted authorizing the formation of one or more new States out of this western territory, and entertaining the impression that Congress would not accept the cession of the territory within the two year limit, and feeling that the new settlements included within this territory would be practically excluded from the protection of both North Carolina and Congress, would in fact be left in a state of anarchy, unable to command their own powers and resources, knowing that no provision had been made for the establishment of superior courts west of the mountains, seeing that violations of law were permitted to pass unpunished except by the summary process of the regulators appointed for the purpose by the people themselves.

and perceiving also that the military organization was inadequate to the defense of the inhabitants, in part because there was no brigadier-general authorized to call the military forces into active service, with an extensive frontier constantly exposed to and suffering from the ravages of the savages, and with numerous other considerations suggested to them by their anomalously exposed situation, perceived the necessity of themselves devising means for the extrication of themselves from the numerous, great and unexpected difficulties with which they found themselves surrounded.

For the purpose of an attempt at extrication it was proposed that each captain's company elect two representatives, and that these representatives assemble to deliberate upon the condition of affairs and if possible devise some general plan adapted to the emergency. Accordingly these representatives met August 23, 1783, in Jonesborough. Following are the names of the deputies from Washington County: John Sevier, Charles Robertson, William Trimble, William Cox, Landon Carter, Hugh Henry, Christopher Taylor, John Christian, Samuel Doak, William Campbell, Benjamin Holland, John Bean, Samuel Williams and Richard White. Sullivan County: Joseph Martin, Gilbert Christian, William Cocke, John Manifee, William Wallace, John Hall, Samuel Wilson, Stockley Donelson and William Evans. Greene County: Daniel Kennedy, Alexander Outlaw, Joseph Gist, Samuel Weir, Asahel Rawlings, Joseph Bullard, John Managhan, John Murphey, David Campbell, Archibald Stone, Abraham Denton, Charles Robinson and Elisha Baker. Davidson County sent no delegates.

John Sevier was chosen president of the convention, and Landon Carter, secretary. A committee was appointed to deliberate upon the condition of affairs, consisting of Cocke, Outlaw, Carter, Campbell, Manifee, Martin, Robinson, Houston, Christian, Kennedy and Wilson. After deliberation upon and discussion of the objects of the convention, during which the Declaration of Independence was read, and the independence of the three counties represented suggested, the committee drew up and presented a report, which was in substance as follows: That the committee was of the opinion that they had the right to petition Congress to accept the cession of North Carolina and to recognize them as a separate government; that if any contiguous part of Virginia should make application to join this association, after being permitted to make such application by Virginia, they should receive and enjoy the same privileges that they themselves enjoyed, and that one or more persons should be sent to represent the situation of things to Congress. This report was adopted by the following vote: Yeas—Messrs. Terrell, Samms,

North, Taylor, Anderson, Houston, Cox, Talbot, Joseph Wilson, Trimble, Reese, John Anderson, Manifee, Christian, Carnes, A. Taylor, Fitzgerald, Cavit, Looney, Cocke, B. Gist, Rawlings, Bullard, Joshua Gist, Valentine Sevier, Robinson, Evans and Managhan. Nays—John Tipton, Joseph Tipton, Stuart, Maxfield, D. Looney, Vincent, Cage, Provine, Gammon, Davis, Kennedy, Newman, Weir, James Wilson and Campbell.

It is thought that the above described proceedings were had at the August convention of 1784, which may account for the discrepancy in the names of those voting as compared with those elected, as given earlier.* The plan of the association was drawn up by Messrs. Cocke and Hardin, and was referred next day to the convention. This plan was the formation of an association by the election of representatives to it, to send a suitable person to Congress, and to cultivate public spirit, benevolence and virtue, and they pledged themselves to protect the association with their lives and fortunes, faith and reputation.

It was then determined that each county should elect five members to a convention to adopt a constitution and form an independent State. This convention met in November and broke up in great confusion upon the plan of association, and besides some were opposed to separation from North Carolina. The North Carolina General Assembly was then in session at Newbern, and repealed the act of cession to the United States, appointed an assistant judge and an attorney-general for the superior court, directed the superior court to be held at Jonesborough and also organized the militia of Washington District into a brigade and appointed John Sevier brigadier-general. Gen. Sevier expressed himself satisfied with the action of North Carolina, and advised the people to proceed no further in their determination to separate from the parent State, but they were not to be advised. Proceeding with their movement five delegates or deputies were chosen to the convention from each county as follows: Washington County—John Sevier, William Cocke, John Tipton, Thomas Stewart and Rev. Samuel Houston. Sullivan County—David Looney, Richard Gammon, Moses Looney, William Cage and John Long. Greene County—Daniel Kennedy, John Newman, James Roddye and Joseph Hardin.

Upon assembling John Sevier was elected president of the convention, and F. A. Ramsey, secretary. Prayer was offered by the Rev. Samuel Houston. A constitution was adopted subject to the ratification or rejection of a future convention to be chosen by the people. This convention met at the appointed time and place, Greeneville, November 14, 1784, the first legislative assembly that ever convened in Tennessee.

*Ramsey.

Landon Carter was speaker and Thomas Talbot clerk of the Senate; William Cage, speaker and Thomas Chapman, clerk of the House of Commons. The assembly, after being organized, elected John Sevier governor. A judiciary system was established, and David Campbell elected judge of the superior court, and Joshua Gist and John Anderson assistant judges. The last day of this first session was March 31, 1785. Numerous acts were ratified, among them one for the promotion of learning in the county of Washington. Under the provisions of this act Martin Academy was founded, and Rev. Samuel Doak became its president. Wayne County was organized out of a part of Washington and Wilkes Counties. The officers of this new State, in addition to those mentioned above, were the following: State senator, Landon Carter; treasurer, William Cage; surveyor-general, Stockley Donelson; brigadier-generals of the militia, Daniel Kennedy and William Cocke. Gen. Cocke was chosen delegate to Congress. Council of State, William Cocke, Landon Carter, Francis A. Ramsey, Judge Campbell, Gen. Kennedy and Col. Taylor. The salaries of the officers were fixed, various articles were made a legal tender in the payment of debts, and a treaty was made with the Cherokee Indians. The boundary line, according to this treaty, which was concluded May 31, 1785, was the ridge dividing the Little River and the Tennessee.

Gov. Martin, of North Carolina, hearing of the organization of the State of Franklin, addressed Gov. Sevier, requesting information regarding the movement. In response to this request a communication was sent to Gov. Martin, signed by Gov. John Sevier, by Landon Carter, speaker of the Senate, and by William Cage, speaker of the House of Commons, setting forth what had been done and the several reasons therefor. Thereupon Gov. Martin called together the Council of North Carolina, April 22, and convened the Legislature June 1, and on the same day issued an elaborate manifesto to the inhabitants in the revolted counties, Washington, Sullivan and Greene, hoping to reclaim them to their allegiance to North Carolina, and warning them of the consequences of their action in adhering to the State of Franklin. A few had, from the first, opposed the organization of the State. The repeal of the cession act had increased their number, but no one seemed to desire to establish a permanent connection with North Carolina, hence a large majority of the people firmly adhered to the new commonwealth.

During the administration of Patrick Henry as governor of Virginia, information was communicated by him to the Legislature of that State as to the movement of Col. Arthur Campbell and others, who had labored with some success to persuade the citizens of Washington County to sever

their connection from the old government of Virginia, and attach themselves to the new State of Franklin, or to form a new one distinct from it. It was proposed by Col. Campbell that the limits of the new State, which he was in favor of forming and naming "Frankland," should be as follows: "Beginning at a point on the top of the Alleghany or Appalachian Mountains, so as a line drawn due north from this point will touch the bank of the New River, otherwise called Kanawha, at its confluence with Little River, which is about one mile from Ingle's Ferry, down the said river Kanawha to the mouth of the Rencovert, or Green Briar River; a direct line from thence to the nearest summit of the Laurel Mountains, and along the highest part of the same to the point where it is intercepted by the thirty-seventh degree of north latitude; west along that latitude to a point where it is met by a meridian line that passes through the lower part of the River Ohio; south along the meridian to Elk River, a branch of the Tennessee; down said river to its mouth, and down the Tennessee to the most southwardly part or bend of the said river; a direct line from thence to that branch of the Mobile called Tombigbee; down said river Tombigbee to its junction with the Coosawattee River, to the mouth of that branch of it called the Hightower; thence south to the top of the Appalachian Mountains, or the highest land that divides the sources of the eastern from the western waters; northwardly along the middle of said heights and the top of the Appalachian Mountains to the beginning."

The proposed form of government stated that the inhabitants within the above limits agreed with each other to form themselves into a free and independent body politic or State by the name of the "Commonwealth of Frankland." It will be seen that the people who proposed to establish the independent State of Frankland had affixed such boundaries to their proposed commonwealth as to include the State of Franklin, much of the territory of Virginia, and the present Kentucky, and of Georgia and Alabama. This magnificent project was supported by but few men, and was soon abandoned, even by its friends and projectors.

The people who had revolted from North Carolina, however, continued to maintain their form of government, but it still remained for the people in convention assembled to ratify, amend or reject the constitution proposed by a former convention. The convention met, but a complete list of their names has not been preserved. The following is a partial list: David Campbell, Samuel Houston, John Tipton, John Ward, Robert Love, William Cox, David Craig, James Montgomery, John Strain, Robert Allison, David Looney, John Blair, James White, Samuel Menece, John Gilliland, James Stuart, George Maxwell, Joseph Tipton and Peter Parkin-son. The Bill of Rights and Constitution of the State of Frankland,

were proposed for adoption, discussed and rejected by a small majority. The president of the convention, Gen. John Sevier, then presented the constitution of North Carolina as the foundation of the government for the new State. This constitution, modified to suit the views of the members of the convention, was adopted by a small majority. The names "Franklin," after Dr. Benjamin Franklin, of Philadelphia, and "Frankland," meaning the land of freemen, were then proposed, and the name Franklin chosen, and the convention appointed Gen. Cocke to present the constitution as adopted to Congress, with a memorial applying for admission into the Union, but he was not received and no notice was taken of his mission.

The Franklin government had now got under way, and Greeneville became the permanent capital of the State. Four days after the Greeneville Convention was held the North Carolina Legislature passed an act preceded by a preamble in which were recited the reasons for the organization of the State of Franklin, that the citizens thought North Carolina inattentive to their welfare, had ceased to regard them as citizens, and had made an absolute cession of the soil and jurisdiction of the State to Congress. It stated that this opinion was ill-founded, that the General Assembly of North Carolina had been and continued to be desirous of extending the benefits of civil government over them, and granted pardon and oblivion for all that had been done; provided they would return to their allegiance to North Carolina. It appointed officers civil and military in place of those holding office under the State of Franklin, and empowered the voters of Washington, Sullivan and Greene Counties to elect representatives otherwise than by the methods then in vogue. Dissatisfaction with the Franklin government began to manifest itself, and in Washington County, George Mitchell, as sheriff, issued the following notice:

July, 19th day, 1786.

Advertisement—I hereby give Publick Notice that there will be an election held the third Friday in August next at John Rennoe's near the Sickamore Sholes, where Charles Robinson formerly lived, to choose members to represent Washington County in the General Assembly of North Carolina, agreeable to an act of Assembly in that case made and provided, where due attendance will be given pr me.

GEORGE MITCHELL, *Sheriff*.

The election was held on Watauga River. Col. John Tipton was chosen senator from Washington County, and James Stuart and Richard White members of the House of Commons. Their election was, and was generally perceived to be, ominous of the fate of the State of Franklin, and following their example many citizens enrolled their names in opposition to the new State. From this time resistance to its authority assumed a more systematic and determined form. The unusual anomaly

was exhibited of two empires holding sway at one and the same time over the same territory. As was to be expected, the authority of the two frequently came in conflict with each other. The county courts of the one were broken up by the forces of the other and *vice versa*, and the justices of the peace turned out of doors. But the government of Franklin continued to exercise its authority in the seven counties constituting its sovereignty, and to defend its citizens from the encroachments of the Indians. Gen. Cocke and Judge Campbell were appointed commissioners to negotiate a separation from North Carolina, but notwithstanding their most determined and persistent efforts, the General Assembly of North Carolina disregarded their memorials and protests, and continued to make laws for the government of the people of the State of Franklin. Commissioners were sent to, accepted, and acted under, by several people in Washington, Sullivan and Hawkins Counties as justices of the peace, and courts were held by them as if the State of Franklin did not exist. Difficulties between the two States continued, notwithstanding efforts on the part of the people to adjust them, and trouble with the Indians could not be avoided. Negotiations were conducted with Georgia for the purpose of securing mutual assistance. Gov. John Sevier was elected a member of the "Society of the Cincinnati." Sevier recruited an army to co-operate with Georgia in her campaign against the Creek Indians. In 1787 there remained in the commonwealth of Franklin scarcely vitality enough to confer upon it a mere nominal existence, the Legislature itself manifested a strong inclination to dismemberment, its county courts were discordant, and in fact attempting to exercise conflicting authority. An unpleasant clashing of opinion and effort to administer the laws was the necessary result. The county court of Washington County held its session at Davis', under the authority of North Carolina, while that under Franklin held its sessions at Jonesborough. John Tipton was clerk at Davis' and the following extract is from his docket:

1788, February term—*Ordered*, that the Sheriff take into custody the County Court docket of said county, supposed to be in possession of John Sevier, Esq., and the same records being from him or any other person or persons in whose possession they may be, or hereafter shall be, and the same return to this or some succeeding Court for said County.

The supremacy of the new and old governments was soon after this brought to a test. A *scire facias* was issued in the latter part of 1787 and placed in the hands of the sheriff to be executed in the early part of 1788 against the estate of Gov. John Sevier. The sheriff of North Carolina seized Gov. Sevier's negroes while he was on the frontiers of Greene County defending the inhabitants against the Indians. Hearing of this

action of the sheriff Gov. Sevier immediately resolved to suppress all opposition to the government of Franklin and to punish the actors for their audacity. Raising 150 men he marched directly to Col. Tipton's house. Gov. Sevier's indignation had also been aroused by a knowledge of the fact that Tipton had made an attempt to take him prisoner. Upon Sevier's arrival before Tipton's house, which was on Sinking Creek, a branch of Watauga River, about eight or ten miles from Jonesborough, he found it defended by Col. Tipton and fifteen of his friends. Though he had a much larger force than Tipton and was in possession of a small piece of ordnance, his demand for an unconditional surrender was met with a flat refusal and the daring challenge "to fire and be damned." But Gov. Sevier could not bring himself to the point of making an attack upon men who were, and upon whom he looked as, his fellow citizens. Negotiations failed to effect a surrender. Gov. Tipton received large reinforcements, and after the siege had been continued a few days made an attack upon the Governor's forces, who, after defending themselves in a half-hearted way for a short time, were driven off. With this defeat of Gov. Sevier's troops the government of Franklin practically came to an end. But the populace was greatly excited. Not long after this siege, which terminated about February 28, 1788. Bishop Francis Asbury made a visit to the settlements on the Watauga and held a conference, the first west of the mountains, about May 1, 1788. His calm dignity and unpretending simplicity served to soothe and quiet and harmonize the excited masses, and to convert partisans and factions into brothers and friends.

After the termination of the siege at Tipton's, Gov. Sevier, now a private citizen, was engaged in defending the frontiers against the Indians. As was to be expected, his conduct was represented to the Governor of North Carolina as embodying under the form of a colonelcy of an Indian expedition, still further resistance to North Carolina. The consequence was that Gov. Johnston issued to Judge Campbell the following instructions:

HILLSBOROUGH, 29th July, 1788.

Sir: It has been represented to the Executive that John Sevier, who styles himself captain-general of the State of Franklin, has been guilty of high treason, in levying troops to oppose the laws and government of the State, and has with an armed force put to death several good citizens. If these facts shall appear to you by the affidavit of credible persons, you will issue your warrant to apprehend the said John Sevier, and in case he can not be sufficiently secured for trial in the District of Washington, order him to be committed to the public gaol.

Judge Campbell, either from unwillingness or incapacity arising from his past relations with Gov. Sevier, or both, failed to obey the order of Gov. Johnston; but Spencer, one of the judges of North Caro-

lina, held a superior court at Jonesborough in conjunction with Campbell, and there issued the warrant against Sevier for the crime of high treason. After the expiration of considerable time Sevier was arrested, handcuffed, and taken as a prisoner to Morganton for trial, notwithstanding his protest against being taken away from his home and friends. After being in Morganton a few days, during a part of which time he was out on bail, a small party of men, composed of two sons of his (James and John Sevier), Dr. James Cozby, Maj. Evans, Jesse Greene and John Gibson arrived unnoticed in Morganton, having come in singly, and at night, at the breaking up of the court which was then in session, pushed forward toward the mountains with the Governor with the greatest rapidity, and before morning were there and far beyond pursuit. This rescue, so gallantly made, was both witnessed and connived at by citizens of Burke County, of which Morganton was the county seat, many of whom were friends of Sevier, and although sensible that he had been guilty of a technical violation of the law, were yet unwilling to see him suffer the penalty attached by the law to such violation. His capture and brief expatriation only served to heighten, among the citizens of the late State of Franklin whom he had served so long and so well, their appreciation of his services, and to deepen the conviction of his claims to their esteem and confidence, and when the General Assembly, which met at Fayetteville November 21, 1788, extended the act of pardon to all who had taken part in the Franklin revolt except John Sevier, who was debarred from the enjoyment of any office of profit, of honor or trust in the State of North Carolina, this exception was seen to be at variance with the wishes of the people, and at the annual election in August of the next year the people of Greene County elected John Sevier to represent them in the Senate of North Carolina. At the appointed time, November 2, 1789, he was at Fayetteville, but on account of disabilities did not attempt to take his seat until after waiting a few days, during which time the Legislature repealed the clause above mentioned which debarred him from office. During the session he was reinstated as brigadier-general for the western counties. In apportioning the representatives to Congress from North Carolina the General Assembly divided the State into four Congressional Districts, the westernmost of which comprising all the territory west of the mountains. From this district John Sevier was elected, and was thus the first member of Congress from the great Mississippi Valley. He took his seat Wednesday, June 16, 1790.

CHAPTER VII.

ORGANIZATION CONCLUDED—CONGRESSIONAL ACTION FOR THE DISPOSAL OF UN-APPROPRIATED LANDS—THE CESSION ACT OF NORTH CAROLINA—THE ACCEPTANCE BY CONGRESS—THE DEED—ACT FOR THE GOVERNMENT OF THE TERRITORY—OFFICES AND COMMISSIONS—GUBERNATORIAL ACTS AND POLICIES—THE SPANISH AND THE INDIAN QUESTIONS—ESTABLISHMENT OF COUNTIES—THE TERRITORIAL ASSEMBLY—THE EARLY LAWS AND TAXES—OFFICIAL DOCUMENTS—STATISTICS—THE FIRST CONSTITUTIONAL CONVENTION—DEBATE OF FORMS AND PROVISIONS—THE BILL OF RIGHTS—REAL ESTATE TAXATION—OFFICIAL QUALIFICATIONS—OTHER CONSTITUTIONAL MEASURES—FORMATION OF THE STATE GOVERNMENT—THE STATE ASSEMBLY—JOHN SEVIER, GOVERNOR—LEGISLATIVE PROCEEDINGS—ESTABLISHMENT OF COURTS—THE SECOND CONSTITUTIONAL CONVENTION—ALTERATIONS, ETC.—AMENDMENTS BEFORE AND SOON AFTER THE CIVIL WAR—THE PRESENT CONSTITUTION—ITS GENERAL CHARACTER AND WORTH.

AS was stated under the history of the State of Franklin, it was not long after the dissolution of that organization before it became necessary that separation should occur between North Carolina and her western territory. And this separation was effected by the passage by the mother State of her second cession act, dated December, 1789. This cession was in accordance with the following resolution adopted by the Congress of the United States, October 10, 1780:

Resolved: That the unappropriated^a lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States and be settled and formed into distinct republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom and independence as the other States; that each State which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts or in maintaining forts or garrisons within, and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed; that the said lands shall be granted or settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them.—*Journals of Congress, October 10, 1780.*

The cession act of North Carolina was in the following language:

WHEREAS, the United States in Congress^a assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cession of part of the same as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the

inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received;

Now, this State, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens:

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the senators of this State, in the Congress of the United States, or one of the senators and any two of the representatives of this State, in the Congress of the United States, are hereby authorized, empowered and required to execute a deed or deeds on the part and behalf of this State, conveying to the United States of America all right, title and claim which this State has to the sovereignty and territory of the lands situated within the chartered limits of this State west of a line beginning on the extreme height of the Stone Mountain, at a place where the Virginia line intersects it; running thence along the extreme height of the said mountain to the place where Watauga River breaks through it; thence a direct course to the top of the Yellow Mountain, where Bright's road crosses the same; thence along the ridge of said mountain between the waters of Doe River and the waters of Rock Creek to the place where the road crosses the Iron Mountain; from thence along the extreme height of said mountain to where Nolichucky River runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of the said mountain to the Painted Rock on French Broad River; thence along the highest ridge of the said mountain to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of the said mountain to the place where it is called Unicoy or Unaka Mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain to the southern boundary of this State; upon the following express conditions and subject thereto: *That is to say:*

First. That neither the lands nor the inhabitants westward of the said mountain shall be estimated after the cession made by virtue of this act shall be accepted, in the ascertaining the proportion of this State with the United States in the common expense occasioned by the late war.

Secondly. That the lands laid off or directed to be laid off by an act or acts of the General Assembly of this State for the officers and soldiers thereof, their heirs and assigns, respectively, shall be and inure to the use and benefit of the said officers, their heirs and assigns, respectively; and if the bounds of the lands already prescribed for the officers and soldiers of the continental line of this State shall not contain a sufficient quantity of land fit for cultivation, to make good the several provisions intended by law, that such officer or soldier or his assignee, who shall fall short of his allotment or proportion after all the lands fit for cultivation within the said bounds are appropriated, be permitted to take his quota, or such part thereof as may be deficient, in any other part of the said territory intended to be ceded by virtue of this act, not already appropriated. And where entries have been made agreeable to law, and titles under them not perfected by grant or otherwise, then, and in that case, the governor for the time being shall, and he is hereby required to perfect, from time to time, such titles, in such manner as if this act had never been passed. And that all entries made by, or grants made to, all and every person or persons whatsoever agreeable to law and within the limits hereby intended to be ceded to the United States, shall have the same force and effect as if such cession had not been made; and that all and every right of occupancy and pre-emption and every other right reserved by any act or acts to persons settled on and occupying lands within the limits of the lands hereby intended to be ceded as aforesaid, shall continue to be in full force in the same manner as if the cession had not been made, and as conditions upon which the said lands are ceded to the United States. And further, it shall be understood that if any person or persons shall have by virtue of the act entitled "An act for opening the land office for the redemption of specie and other certificates and discharging the arrears due to the army," passed in the year one thousand seven hundred and eighty-three, made his or their entry

in the office usually called John Armstrong's office and located the same to any spot or piece of ground on which any other person or persons shall have previously located any entry or entries, and then, and in that case, the person or persons having made such entry or entries, or their assignee or assignees, shall have leave, and be at full liberty to remove the location of such entry or entries, to any land on which no entry has been specially located or on any vacant lands included within the limits of the lands hereby intended to be ceded: *Provided*, That nothing herein contained shall extend, or be construed to extend, to the making good of any entry or entries, or any grant or grants heretofore declared void, by any act or acts of the General Assembly of this State.

Thirdly. That all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before mentioned, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose and for no other use or purpose whatever.

Fourthly. That the territory so ceded shall be laid out and formed into a State or States,* containing a suitable extent of territory, the inhabitants of which shall enjoy all the privileges, benefits and advantages set forth in the ordinance of the late Congress for the government of the Western Territory of the United States; that is to say: Whenever the Congress of the United States shall cause to be officially transmitted to the executive authority of this State, an authenticated copy of the act to be passed by the Congress of the United States accepting the cession of territory made by virtue of this act under the express conditions hereby specified, the said Congress shall at the same time, assume the government of the said ceded territory, which they shall execute in a similar manner† to that which they support in the territory west of the Ohio; shall protect the inhabitants against enemies and shall never bar nor deprive them of any privileges which the people in the territory west of the Ohio enjoy: *Provided always*, that no regulations made or to be made by Congress shall tend to emancipate slaves.

Fifthly. That the inhabitants of the said ceded territory shall be liable to pay such sums of money as may, from taking their census, be their just proportion of the debt of the United States, and the arrears of the requisitions of Congress on this State.

Sixthly. That all persons indebted to this State residing in the territory intended to be ceded by virtue of this act shall be held and deemed liable to pay such debt or debts in the same manner, and under the same penalty or penalties, as if this act had never been passed.

Seventhly. That if the Congress of the United States do not accept the cession hereby intended to be made, in due form, and give official notice thereof to the executive of this State, within eighteen months from the passing of this act, then this act shall be of no force or effect whatsoever.

Eighthly. That the laws in force and use in the State of North Carolina, at the time of passing this act shall be, and continue, in full force within the territory hereby ceded until the same shall be repealed or otherwise altered by the Legislative authority of the said territory.

Ninthly. That the lands of non-resident proprietors within the said ceded territory shall not be taxed higher than the lands of residents.

Tenthly. That this act shall not prevent the people now residing south of French Broad, between the rivers Tennessee and Big Pigeon, from entering their pre-emptions in that tract should an office be opened for that purpose under an act of the present General Assembly. *And be it further enacted by the authority aforesaid*, That the sovereignty and jurisdiction of this State, in and over the territory aforesaid, and all and every inhabitant

* See Act of Congress of June 1, 1796, *post*; also resolution of Congress of October 10, 1790, *ante*.

† The "manner" of government here referred to is fully set forth in "An Ordinance for the Government of the Territory of the United States Northwest of the River Ohio," passed July 13, 1787. The "Territory of the United States south of the River Ohio" was, for the purpose of temporary government, declared to be one district by an act of Congress approved May 26, 1790.

thereof, shall be, and remain, the same, in all respects, until the Congress of the United States shall accept the cession to be made by virtue of this act, as if this act had never passed.

Read three times, and ratified in General Assembly the — day of December, A. D. 1789.

CHAS. JOHNSON, *Sp. Sen.*

S. CABARRUS, *Sp. H. C.*

Upon the presentation of this cession act to Congress, that body passed the following act accepting the cession:

AN ACT TO ACCEPT A CESSION OF THE CLAIMS OF THE STATE OF NORTH CAROLINA TO A CERTAIN DISTRICT OF WESTERN TERRITORY.

A deed of cession having been executed, and, in the Senate, offered for acceptance to the United States, of the claims of the State of North Carolina to a district or territory therein described, which deed is in the words following, viz.:

To all who shall see these Presents.

We, the underwritten Samuel Johnston and Benjamin Hawkins, Senators in the Congress of the United States of America, duly and constitutionally chosen by the Legislature of the State of North Carolina, send greeting.

WHEREAS, The General Assembly of the State of North Carolina on the — day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act entitled "an act for the purpose of ceding to the United States of America certain western lands therein described," in the words following, to wit:

(Here was recited the cession act of North Carolina.)

Now, therefore, know ye, That we, Samuel Johnston and Benjamin Hawkins, Senators aforesaid, by virtue of the power and authority committed to us by the said act, and in the name, and for and on behalf of the said State, do, by these presents, convey, assign, transfer and set over, unto the United States of America, for the benefit of the said States, North Carolina inclusive, all right, title and claim which the said State hath to the sovereignty and territory of the lands situated within the chartered limits of the said State, as bounded and described in the above recited act of the General Assembly, to and for the use and purposes, and on the conditions mentioned in the said act.

In witness whereof we have herunto subscribed our names and affixed our seals in the Senate chamber at New York, this twenty-fifth day of February, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the independence of the United States of America.

Signed, sealed and delivered in the presence of

SAM. A. OTIS

SAM. JOHNSTON,

BENJAMIN HAWKINS.

The following act was then passed by Congress:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said deed be, and the same is hereby accepted.

FREDERICK AUGUSTUS MUHLENBERG,

Speaker of the House of Representatives.

JOHN ADAMS,

Vice-President of the United States and President of the Senate.

Approved April the 2d, 1790.

GEORGE WASHINGTON,

President of the United States.

The cession thus being accepted and approved, Congress soon afterward passed a law for the government of the new acquisition. This law was in the following language:

AN ACT FOR THE GOVERNMENT OF THE TERRITORY OF THE UNITED STATES, SOUTH OF THE RIVER OHIO.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled*, That the territory of the United States south of the river Ohio, for the purposes of temporary government, shall be one district, the inhabitants of which shall enjoy all the privileges, benefits and advantages, set forth in the ordinance of the late Congress for the government of the territory of the United States northwest of the river the Ohio. And the government of the said territory south of the Ohio, shall be similar to that which is now exercised in the territory northwest of the Ohio, except so far as is otherwise provided in the conditions expressed in an act of Congress of the present session entitled: "An act to accept a cession of the claims of the State of North Carolina to a certain district of western territory."

SEC. 2. *And be it further enacted*, That the salaries of the officers, which the President of the United States shall nominate, and with the advice and consent of the Senate appoint, by virtue of this act shall be the same as those, by law established of similar officers in the government northwest of the river Ohio. And the powers, duties and emoluments of a superintendent of Indian affairs for the Southern Department shall be united with those of the Governor.

Approved May 26, 1790.

Congress having thus made provision for the government of the territory, the duty devolved upon President George Washington to appoint suitable officers to carry the government of the new territory into operation. As is usual in such cases, there were several gentlemen of acknowledged capacity and worth of character, who through their friends were candidates for the office of governor. Mr. Mason of Virginia was presented to the President by Patrick Henry. But the representatives in the North Carolina General Assembly from Washington and Mero Districts, had frequently met in the Assembly a North Carolina gentleman, kindly and sociable in disposition, of graceful and accomplished manner, business-like in his habits, and of extensive information respecting Indian affairs, and, who in addition to these qualifications had manifested many proofs of sympathy and interest for the pioneers of the territory now needing an executive head. This gentleman was William Blount, and besides his eminent fitness for the position; there was an evident propriety in selecting the governor from the State, by which the territory had been ceded to the United States. President Washington, recognizing the validity and force of these considerations, issued to him a commission as governor, which he received August 7, 1790. On the 10th of October following, Gov. Blount reached the scene of his new and important public duties on the frontier, and took up his residence at the house of William Cobb, near Washington Court House, in the fork of Holston and Watauga Rivers, and not far from Watauga Old Fields. Mr. Cobb was a wealthy farmer, an emigrant from North Carolina, and was no stranger to comfort, taste nor style. He entertained elegantly, and kept horses, dogs, rifles and even traps for the comfort and amusement of his guests. Thus

surrounded, Gov. Blount held his first court. The President had appointed as judges in the Territorial Government David Campbell and Joseph Anderson. David Campbell will be remembered as having held a similar position under the State of Franklin, and subsequently under the appointment of North Carolina. Joseph Anderson had been an officer in the Continental service during the Revolutionary war. Gov. Blount appointed Daniel Smith Secretary of the Territorial Government, and also the civil and military officers for the counties forming the district of Washington. The oath of office was administered to these appointees by Judge Campbell. The following are the names of some of the officers: Washington County, November term, 1790—magistrates, Charles Robertson, John Campbell, Edmond Williams and John Chisholm; clerk, James Sevier. Greene County, February term, 1791—magistrates, Joseph Hardin, John Newman, William Wilson, John McNabb and David Rankin; clerk, David Kennedy. David Allison and William Coeke were admitted to the bar. Hawkins County, December term, 1790, clerk, Richard Mitchell.

The private secretaries of the Governor were Willie Blount, his half-brother, afterward governor, and Hugh Lawson White, afterward Judge White, and candidate for the presidency of the United States. Having commissioned the necessary officers for the counties of Washington District, Gov. Blount set out for Mero District on the 27th of November. Mero District was composed of Davidson, Sumner and Tennessee Counties. Davidson County—John Donelson, justice of the peace, and Sampson Williams was appointed sheriff, and upon the presentation of his commission from the governor, was appointed by the court. Sumner County: Benjamin Menees was appointed justice of the peace, his commission being dated December 15, 1790, as were also George Bell, John Philips and Martin Duncan. Anthony Crutcher was appointed clerk, and James Boyd sheriff. At the April term, 1791, John Montgomery produced his commission from Gov. Blount as justice of the peace. In all the counties the Governor had appointed military officers below the rank of brigadier-general. These he was not authorized to appoint, but recommended for appointment Col. John Sevier for Washington District, and Col. James Robertson for Mero District. These commissions were issued in February, 1791. Following is the commission of John Donelson:

WILLIAM BLOUNT, GOVERNOR IN AND OVER THE TERRITORY OF THE UNITED STATES OF AMERICA SOUTH OF THE RIVER OHIO.

To all who shall see these Presents, Greeting:

Know ye that I do appoint John Donelson, Esq., of the County of Davidson in the said Territory, a Justice of the Peace for the said County, and do authorize and empower

him to execute and fulfill the duties of that office according to law, and to have and to hold the said office during his good Behavior, or during the existence of the Temporary Government of said Territory, with all the powers, authorities and privileges to the same of right appertaining.

Given under my hand and seal in the said Territory, this 15th day of December, 1790.

By the Governor:

WILLIAM BLOUNT.

DANIEL SMITH.

In his tour through the territory, Gov. Blount endeavored to familiarize himself with the condition and necessities of the inhabitants, with the view of becoming better prepared to discharge his official duties. His position was by no means a sinecure, for, besides the ordinary duties of his gubernatorial office, he was obliged to perform those pertaining to that of superintendent of Indian affairs, having been also appointed to that position on account of his long familiarity with the Indian tribes, with whom the people of his territory were necessarily immediately in contact. It was and is believed that no man could have been selected better qualified than he to reconcile the two classes of citizens more or less estranged by the setting up, continuing in existence and dissolution of the anomalous government of the State of Franklin, and to regulate affairs between the people of the territory, the Indians, and the government of the United States. His superintendency of Indian affairs included the four southern tribes—the Creeks, the Cherokees, the Chickasaws and Choctaws. All of these tribes either resided within or claimed hunting grounds within his own territory, and the collisions continually occurring between some of these Indians and the settlers caused a constant complaint to be addressed to the Governor for redress or mitigation. One reason of these conflicts was, that in all of the tribes there were several distinct parties swayed by opposing influences and motives. Some adhered and favored adherence to the United States; others adhered to the Spanish authorities, who still held possessions with military and trading posts in Florida, and also similar posts within the limits of the United States east of the Mississippi. The Spaniards, notwithstanding treaties of peace and professions of friendship, by artful persuasions and tawdry presents, incited and inflamed the savages to robbery, pillage and murder. To reconcile all these animosities, and to protect the people from their naturally injurious effects, frequent conferences and an extensive correspondence were required, as also was required a high degree of administrative and diplomatic ability. The difficulties of his position were enhanced by the policy of the Government of the United States, which was to avoid offensive measures, and rely upon conciliation and defense with the view of the establishment of peace between the various Indian tribes and the settlements, and the neutralization of the influence of the

Spaniards. Under these circumstances, Gov. Blount found it impossible to afford protection to settlers upon the frontier, aggressions upon whom were numerous and of several years' continuance. The settlers themselves, whose property was being destroyed and whose friends and relatives were being barbarously murdered, could not appreciate this inoffensive policy, but burned with the desire to retaliate in kind upon their savage foe, and, as was perfectly natural, heaped upon the head of Gov. Blount unstinted censure. Neither were they any better satisfied with the treaty concluded August 17, 1790, between the Government of the United States and the Creek nation of Indians, by which a large territory was restored to that nation. The treaties, however, were not observed by the Indians, and, consequently, not by the white people, who complained against the Governor for not adopting vigorous measures of offense. The Indians complained that such measures were adopted, and the United States Government complained that the expense of protecting the frontier accumulated so rapidly. Thus Gov. Blount was the center of a steady fire of complaint from at least three different sources. But like the martyrs of old, the Governor bore these complaints with equanimity, and at length the people, ascertaining that the fault was not with him, withdrew their complaints, and very generally sustained his authority.

Besides difficulties with the Indians the duty devolved upon the Governor of preventing the settlement by the Tennessee Company of their immense purchase in the Great Bend of the Tennessee River, which was at length effectually prevented by the State of Georgia annulling the sale. He had also to raise a force of 332 men in the district of Washington for service under Gen. St. Clair at Fort Washington. These duties, however, he was obliged to permit to fall on Gen. Sevier, his own time being so fully engrossed with his Indian superintendency, in which capacity he made a treaty with the Cherokees on the Holston July 2, 1791. Indian hostilities, however, continued, notwithstanding the treaty of Holston, and numerous people were killed for a number of years. During the next year the Governor held another conference with the Indians, this time at Nashville with the Chickasaws and Choctaws, and in company with Gen. Pickens, who attended the conference at the request of the Secretary of War. There was a large delegation of chiefs in attendance; goods were distributed among them, which gave renewed assurances of peace. A brief account of this conference was written by the Governor to the Secretary of War under date of August 31, 1792, as follows:

On the 10th inst. the conference with the Chickasaws and Choctaws ended; there was a very full representation of the former, but not of the latter, owing, there is reason to

believe, to the Spanish influences. During the conference Gen. Pickens and myself received the strongest assurances of peace and friendship for the United States from these nations, and I believe they were made with great sincerity.

In this way was the Governor engaged for the first two years of his term. In 1792 he turned his attention to civil government, and on the 11th of June, 1792, he issued an ordinance circumscribing the limits of Greene and Hawkins Counties, and creating Knox and Jefferson Counties. This ordinance fixed the time for holding courts of pleas and quarter sessions in these two new counties. A number of acts were also passed by the Governor and his two judges, David Campbell and Joseph Anderson, the first one being passed November 20, 1792. This act authorized the levying of a tax for building or repairing court houses, prisons and stocks in the respective counties, limiting the tax to 50 cents on each poll, and to 17 cents on each 100 acres of land.

According to the congressional ordinance for the government of the territory of the United States south of the Ohio River, the governor and the judges, or a majority of them, were authorized to adopt and publish such laws, criminal and civil, as might be necessary and best suited to the circumstances of the district, which, being from time to time reported to Congress and by that body approved, were to be the law of the Territory until the organization of the General Assembly, but afterward the General Assembly was to have the power to alter them as they might see proper. According to this ordinance the Territorial Legislature was to consist of the governor, Legislative Council and the House of Representatives. The General Assembly met at Knoxville, August 25, 1794, the Legislative Council being composed as follows: The Hon. Griffith Rutherford, the Hon. John Sevier, the Hon. James Winchester, the Hon. Stockley Donelson and the Hon. Parmenas Taylor. The Hon. Griffith Rutherford was unanimously elected president; George Roulstone, clerk, and Christopher Shoat, door-keeper. The House of Representatives was composed as follows: David Wilson, James White, James Ford, William Cocke, Joseph McMinn, George Rutledge, Joseph Hardin, George Doherty, Samuel Wear, Alexander Kelly and John Baird. A message was sent by the house to the council, and also one to the governor, notifying each respectively of its readiness to proceed to business. The next day they adopted rules of decorum and also rules to be observed in the transaction of business, prepared by a joint committee of the two houses. When all the preliminaries had been arranged the following bills were reported: An act to regulate the military of this Territory; an act to establish the judicial courts and to regulate the proceedings thereof; an act making provision for the poor; an act to enable executors and administrators to

make rights for lands due upon bonds of persons deceased; an act declaring what property is to be taxable, and for collecting the tax thereon; an act to levy a tax for the support of the Government of 1794, and an act to provide relief for such of the military as have been wounded by the Indians in the late invasion.

By the ordinance for the government of the Territory it was provided that as soon as a Legislature shall be formed in the district, the council and house, assembled in one room, shall have authority, by joint ballot, to elect a delegate to Congress. Under this authority the two houses met September 3, 1794, at the court house and balloted for a delegate to Congress. The joint committee to superintend the balloting was composed of Parmenas Taylor, from the council, and George Doherty and Leroy Taylor on the part of the house, and the result of the balloting was the election of James White as delegate to Congress. On the next day a resolution was adopted by the council requesting the concurrence of the house to the taking of a new census of the people, to be made on the last Saturday of July, 1795.

Toward the latter part of the session the two houses had considerable difficulty in arranging the details of the Tax Bill. Amendments were proposed by the one house and uniformly rejected by the other. During this discussion the council submitted to the house the following estimate to show that its own schedule of taxation was ample in its provisions for the raising of revenue. The following is the estimate of the contingent fund: 10,000 white polls at $12\frac{1}{2}$ cents, \$1,250; 1,100 black polls at 50 cents, \$550; 100 stud horses at \$4, \$400; 200 town lots at \$1, \$200; taxes of law proceedings, grants, deeds, etc., \$750; 1,000,000 acres of land at $12\frac{1}{2}$ cents, \$1,250; total \$4,400. This was while the council was insisting that a tax of $12\frac{1}{2}$ cents on each 100 acres of land was sufficient, while the house insisted that the tax on land should be 25 cents on each 100 acres. Failing to agree on Saturday, September 27, the two houses adjourned until Monday, the 29th, and on that day, after an attempt at compromise by fixing the land tax at 18 cents on each 100 acres, the council at length yielded and sent the house the following message: "The council accede to your proposition in taxing land at 25 cents per 100 acres; you will, therefore, send two of your members to see the amendments made accordingly." Following is the resolution of the house fixing the pay of the members of both houses: "*Resolved*, that the wages of the members, clerks and door-keepers of both houses be estimated as follows: For each member per day, \$2.50; for each clerk per day, \$2.50; for each clerk for stationery \$25; for each door-keeper per day, \$1.75; each member, clerk and

door-keeper to be allowed for ferriages; every twenty-five miles, riding to and from the assembly, \$2.50." On the last day of the session, September 30, among other joint resolutions the following was passed: "That the thanks of this General Assembly be presented to Gov. Blount for the application of his abilities and attention in forwarding their business as representatives; more especially in compiling and arranging the system of court law, and that as there appears to be no more business before this assembly his excellency is requested to prorogue the same to the first Monday in October, 1795." The Governor after acknowledging that the laws presented for his approval were essential to the public happiness, and that no law of importance was omitted, sent the following prorogation:

WILLIAM BLOUNT. GOVERNOR IN AND OVER THE TERRITORY OF THE UNITED STATES OF AMERICA. SOUTH OF THE RIVER OHIO.

To the President and Gentlemen of the Legislative Council, and the Speaker and Gentlemen of the House of Representatives.

The session of the General Assembly is prorogued until the first Monday in the month of October, one thousand seven hundred and ninety-five, then to commence at this place. Given under my hand at Knoxville, September 30, 1794.

By the Governor, DANIEL SMITH.

WILLIAM BLOUNT

The expense of the Legislative Council for the August and September session, 1794, amounted to \$970.71 $\frac{2}{3}$, and of the House of Representatives for the same session, \$1,700.16 $\frac{3}{4}$. The Territorial Assembly, although prorogued as above narrated, was convened by the Governor on June 29, 1795. In his message the Governor said: "The principal object for which I have called you together at an earlier period than that to which the General Assembly stood prorogued, is to afford an opportunity to inquire whether it is as I have been taught to believe, the wish of the majority of the people that this Territory should become a State, when by taking the enumeration there should prove to be 60,000 free inhabitants therein, or at such earlier period as Congress shall pass an act for its admission, and if it is to take such measures as may be proper to effect the desired change of the form of government as early as practicable." On the 7th of July, following, John Sevier from the joint committee appointed for the purpose offered the following address to the Governor:

Sir:—The members of the Legislative Council, and of the House of Representatives beg leave to express to your Excellency their approbation of the object for which they were principally called together; and feeling convinced that the great body of our constituents are sensible of the many defects of our present mode of government, and of the great and permanent advantages to be derived from a change and speedy representation in Congress; the General Assembly of this Territory will during the present session, endeavor to devise such means as may have a tendency to effect that desirable object, and in doing so we shall be happy in meeting with your Excellency's concurrence.

The treasurer of Washington and Hamilton Districts submitted his report at this session of the Legislature. A joint committee, to whom it was referred, in the conclusion of their report used the following language: "Your committee beg leave to observe that the moneys arising from the tax levied by the last General Assembly very much exceed their most sanguine expectations, and that such will be the state of the treasury department, that the next tax to be levied may be very much lessened and then be fully commensurate and adequate to defray every expenditure and necessary contingency of our government." It is believed that this flattering condition of the treasury had its influence in determining public sentiment more strongly in favor of the change in the form of government from a Territory to a State. The preference of the people of the Territory for a State form of government was recognized by the Legislature, which passed an act for the enumeration of the inhabitants of the Territory, in which it was provided that "if it shall appear that there are 60,000 inhabitants therein, the governor be authorized and requested to recommend to the people of the respective counties, to elect five persons of each county to represent them in convention to meet at Knoxville at such time as he shall judge proper for the purpose of forming a constitution or form of government for the permanent government for the people who are or shall become residents upon the lands by the State of North Carolina ceded to the United States." So general had become the conviction that the territorial would soon be superseded by a State government, that this session of the Territorial General Assembly was of but short duration—thirteen days—and its work, other than that outlined above, comparatively unimportant, and in accordance with a concurrent request of the two houses, the Governor sent the following message:

WILLIAM BLOUNT, GOVERNOR IN AND OVER THE TERRITORY OF THE UNITED STATES OF AMERICA, SOUTH OF THE RIVER OHIO.

To the President and Gentlemen of the Legislative Council and the Speaker and Gentlemen of the House of Representatives.

The business of this session being completed the General Assembly is prorogued *sine die*.

Given under my hand and seal at Knoxville, July 11, 1795.

WILLIAM BLOUNT.

By the Governor,

THOMAS H. WILLIAMS, *Pro. Sec'y.*

The results of the enumeration of the people under the act passed as above recited were as follows:

TERRITORY OF THE UNITED STATES OF AMERICA, SOUTH OF THE RIVER OHIO.

Schedule of the aggregate amount of each description of persons, taken agreeably to "An act providing for the enumeration of the inhabitants of the Territory of the United States of America south of the River Ohio," passed July 11, 1795.

COUNTIES.	Free white males, 16 years and up- ward, including heads of families.	Free white males under 16 years.	Free white males, including heads of families.	All other free per- sons.	Slaves.	Total Popula- tion.	Yeas.	Nays.
Jefferson.....	1706	2225	3021	112	776	7840	714	316
Hawkins.....	2666	3279	4767	147	2472	13331	1651	534
Greene.....	1567	2203	3350	52	446	7638	560	495
Knox.....	2721	2723	3664	100	2365	11573	1100	128
Washington.....	2013	2578	4311	225	978	10105	873	145
Sullivan.....	1803	2340	3499	38	777	8457	715	125
Sevier.....	628	1045	1503	273	129	3578	261	55
Blount.....	585	817	1231	.....	183	2816	476	16
Davidson.....	728	695	1192	6	992	3613	96	517
Sumner.....	1382	1595	2316	1	1076	6370	.....	.....
Tennessee.....	380	444	700	19	398	1941	58	231
Totals.....	16179	19994	29554	973	10613	77262	6504	2562

I, William Blount, Governor in and over the Territory of the United States of America, south of the River Ohio, do certify that the schedule is made in conformity with the schedules of the sheriffs of the respective counties in the said Territory, and that the schedules of the said sheriffs are lodged in my office.

Given under my hand at Knoxville November 28, 1795.

WILLIAM BLOUNT.

The Territory being thus found to contain more than the number of inhabitants required by the ordinance to authorize the formation of a State government, Gov. Blount issued the following proclamation:

William Blount, Governor in and over the Territory of the United States of America, south of the River Ohio, to the people thereof:

WHEREAS by an act passed on the 11th of July last, entitled "An act providing for the enumeration of the inhabitants of the Territory of the United States of America south of the River Ohio," it is enacted "that if upon taking the enumeration of the people in the said Territory as by that directed, it shall appear that there are 60,000 inhabitants therein counting the whole of the free persons, including those bound to service for a term of years and excluding Indians not taxed and adding three-fifths of all other persons, the Governor be authorized and requested to recommend to the people of the respective counties to elect five persons for each county, to represent them in convention to meet at Knoxville at such time as he shall judge proper for the purpose of forming a constitution or permanent form of government."

And, WHEREAS, upon taking the enumeration of the inhabitants of said Territory, as by the act directed, it does appear that there are 60,000 free inhabitants therein and more, besides other persons; now I, the said William Blount, Governor, etc., do recommend to the people of the respective counties to elect five persons for each county, on the 18th and 19th days of December next, to represent them in a convention to meet at Knoxville on the 11th day of January next, for the purpose of forming a constitution or permanent form of government.

And to the end that a perfect uniformity in the election of the members of the convention may take place in the respective counties, I, the said William Blount, Governor, etc., do further recommend to the sheriffs or their deputies, respectively, to open and hold polls of election for members of convention, on the 18th and 19th days of December, as aforesaid, in the same manner as polls of election have heretofore been held for members

of the General Assembly; and that all free males twenty one years of age and upward, be considered entitled to vote by ballot for five persons for members of convention, and that the sheriffs or their deputies holding such polls of election give certificates to the five persons in each county having the greatest number of votes, of their being duly elected members of convention.

And I, the said William Blount, Governor, etc., think proper here to declare that this recommendation is not intended to have, nor ought to have, any effect whatever upon the present temporary form of government; and that the present temporary form will continue to be exercised in the same manner as if it had never been issued, until the convention shall have formed and published a constitution or permanent form of government.

Done at Knoxville November 28, 1795.

WILLIAM BLOUNT.

By the Governor, WILLIE BLOUNT, *Pro. Secretary.*

In accordance with the suggestions of this proclamation, elections were held in each of the eleven counties in the Territory, for five members of the convention from each county. These members met at Knoxville, January 11, 1796. Following are the names of the members who appeared, produced their credentials and took their seats:

Jefferson County—Joseph Anderson, George Doherty, Alexander Outlaw, William Roddy, Archibald Roane. Hawkins County—James Berry, William Cocke, Thomas Henderson, Joseph McMinn, Richard Mitchell. Greene County—Elisha Baker, Stephen Brooks, Samuel Frazier, John Galbreath, William Rankin. Knox County—John Adair, William Blount, John Crawford, Charles McClung, James White. Washington County—Landon Carter, Samuel Handley, James Stuart, Leroy Taylor, John Tipton. Sullivan County—William C. C. Claiborne, Richard Gammon, George Rutledge, John Rhea, John Shelby, Jr. Sevier County—Peter Bryan, Thomas Buckingham, John Clack, Samuel Wear, Spencer Clack. Blount County—Joseph Black, David Craig, Samuel Glass, James Greenaway, James Houston. Davidson County—Thomas Hardeman, Andrew Jackson, Joel Lewis, John McNairy, James Robertson. Sumner County—Edward Douglass, W. Douglass, Daniel Smith. D. Shelby, Isaac Walton. Tennessee County—James Ford, William Fort, Robert Prince, William Prince, Thomas Johnson.

The convention was organized by the election of William Blount, president; William Maclin, secretary, and John Sevier, Jr., reading and engrossing clerk. John Rhea was appointed door-keeper. On motion of Mr. White, seconded by Mr. Roddy, it was ordered that the next morning's session commence with prayer, and that a sermon be delivered by Rev. Mr. Carrick. In the act providing for the enumeration of the inhabitants of the Territory, it was provided that each member of the convention should be entitled to receive the same wages as a member of that session of the Assembly—\$2.50 per day. The convention on the second day of its session adopted the following resolutions:

Resolved, That economy is an admirable trait in any government and that, in fixing the salaries of the officers thereof, the situation and resources of the country should be attended to.

Resolved, That ten shillings and sixpence, Virginia currency, per day to every member is a sufficient compensation for his services in the Convention, and one dollar for every thirty miles they travel in coming to and returning from the Convention, and that the members pledge themselves each one to the other that they will not draw a greater sum out of the public treasury.

After substituting \$1.50 for 10s. 6d. in the second resolution, both resolutions were unanimously adopted. It was then resolved that the convention appoint two members from each county to draft a constitution, and that each county name its members, and accordingly the following individuals were named as members of the committee.

Blount County—Daniel Craig and Joseph Black. Davidson County—Andrew Jackson and John McNairy. Greene County—Samuel Frazier and William Rankin. Hawkins County—Thomas Henderson and William Cocke. Jefferson County—Joseph Anderson and William Roddye. Knox County—William Blount and Charles McClung. Sullivan County—William C. C. Claiborne and John Rhea. Sumner County—D. Shelby and Daniel Smith. Sevier County—John Clack and Samuel Wear. Tennessee County—Thomas Johnson and William Fort. Washington County—John Tipton and James Stuart. On motion of Mr. McMinn, the sense of the convention was taken as to whether a declaration of rights be prefixed to the constitution, which being decided in the affirmative the committee was directed to present as early as practicable a declaration or bill of rights to be thus prefixed. A bill of rights was consequently prepared, but later in the session it was decided by the convention to affix it to the constitution as the eleventh article thereof.

On the 18th of January an important question was presented to the convention by Mr. Outlaw, as to whether the Legislature should consist of two houses. This question being decided in the affirmative, another question was raised by Mr. McNairy as to whether the two houses in the Legislature should be of equal numbers and of equal powers. This question, being decided in the affirmative, was the next day reconsidered on motion of Mr. McNairy, and amended so as to read as follows: In lieu of the words "two houses," insert "one House of Representatives," and that no bill or resolution shall be passed unless by two thirds of the whole number of members present. This proposed form of the legislative branch of the government was, upon reflection, no more satisfactory than "two houses of equal numbers and powers," and on the 20th of January the convention again resolved itself into committee of the whole on this question; and Mr. Robertson, chairman of the committee, reported

that "the Legislature shall consist of two branches, a Senate and a House of Representatives, organized on the principles of the constitution of North Carolina, to be elected once in two years; and that the members of each house be elected by the same electors, and that the qualifications of the members of each house be the same, until the next enumeration of the people of the United States, and then to be represented by members, retaining the principle of two representatives to one senator; provided the ratio shall be such as that both shall not exceed forty until the number of the people exceed 200,000, and that the number shall never exceed sixty."

Although in the report of the proceedings of the convention no further reference is made to discussions upon this part of the constitution, yet on January 30, when the draft of the constitution was considered in committee of the whole, this clause is found to have undergone considerable change. It was then provided that the General Assembly should consist of a Senate and a House of Representatives, the former to consist of one and the latter of two members from each county, to continue thus for sixteen years from the commencement of the second session, and after that representation should be apportioned according to numbers in such manner that the whole number of senators and representatives should not exceed thirty-nine until the number of free white persons should be 200,000, and after that (preserving the same ratio of two representatives to one senator) the entire number of senators and representatives should never exceed sixty. As finally adopted on February 4, 1796, this portion of the constitution assumed the following form:

ARTICLE I.

SECTION 1. The legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people.

SEC. 2. Within three years after the first meeting of the General Assembly, and within every subsequent term of seven years, an enumeration of the *taxable inhabitants* shall be made in such manner as shall be directed by law. The number of representatives shall at the several periods of making such enumeration be fixed by the Legislature, and apportioned among the several counties according to the number of taxable inhabitants in each, and shall never be less than twenty-two, nor greater than twenty-six, until the number of taxable inhabitants shall be 40,000; and after that event at such ratio that the whole number of representatives shall never exceed forty.

SEC. 3. The number of senators shall at the several periods of making the enumeration before mentioned be fixed by the Legislature, and apportioned among the districts, formed as hereinafter directed, according to the number of taxable inhabitants in each, and shall never be less than one-third, nor more than one-half of the number of representatives.

SEC. 4. The senators shall be chosen by districts, to be formed by the Legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect

not more than three senators. When a district shall be composed of two or more counties they shall be adjoining, and no county shall be divided in forming a district.

Thus was concluded perhaps the most important part of the work of the convention. It is doubtless more curious than profitable to reflect upon what would have been the consequences to the people of the State had either of the earlier propositions been adopted—to form a Legislature consisting of two houses of equal power and numbers, or of “one House of Representatives.” It is an interesting study, however, to note the varying forms this subject assumed in the minds of those primitive constitution builders, illustrating as it does the general principle that the wisest form or course is seldom that first suggested to the mind. There are other features in this constitution, declared by Jefferson to be the “least imperfect and most republican” of the systems of government adopted by any of the American States, worthy of especial comment. Several of its features or principles had previously been enacted into laws by North Carolina. So far as those laws are concerned these principles had their origin in the demands of the times, or the necessities of the people; and experience, that great teacher of the wise legislator, had determined their wisdom by demonstrating their adaptability to the ends they were designed to subserve. This adaptability being thus clearly proven by experience, the principles were embodied in the constitution for the purpose of conferring upon the people with certainty the benefits to be derived from their operation, and of placing them beyond the power and caprice of Legislatures; for it is worthy of remark that the present, no matter how much confidence it may possess in its own wisdom and in that of the past, has very little respect for that of the future. One of these principles was enacted into a law, in 1777, by the Legislature of North Carolina, as follows: “That every county court shall annually select and nominate a freeholder, of sufficient circumstances, to execute the office of sheriff, who shall thereupon be commissioned by the governor, or commander-in-chief, to execute that office for one year.” The Constitution of Tennessee, Article VI, Section 1, reads as follows: “There shall be appointed in each county, by the county court, one sheriff, one coroner, one trustee, and a sufficient number of constables, who shall hold their offices for two years. They shall also have power to appoint one register and one ranger for the county, who shall hold their offices during good behavior. The sheriff and coroner shall be commissioned by the governor.” In 1784 the Legislature of North Carolina passed the following law:

WHEREAS, It is contrary to the spirit of the constitution and the principles of a genuine republic that any person possessing a lucrative office should hold a seat in the General Assembly;

Therefore, be it enacted, etc., That from and after the present session of the General Assembly, every person holding a public office of profit, either by stated salary or commissions, shall be and they are hereby declared to be incapable of being elected a member to serve in the General Assembly, or to enjoy seats therein."

This principle was embodied in the constitution of Tennessee in the following form: "No person, who heretofore hath been or hereafter may be a collector or holder of public monies, shall have a seat in either house of the General Assembly." The next section was of similar import. In the year 1785 North Carolina passed the following law: "That from and after passing of this act the several county courts of pleas and quarter sessions within this State shall have, hold and exercise jurisdiction in all actions of trespass in ejectment, *formedon in descender*, remainder and reverter, dower and partition, and of trespass *quare clausum fregit*, any law to the contrary notwithstanding," etc.

The constitution of Tennessee, Article V, Section 7, provides that "the judges or justices of the inferior courts of law shall have power in all civil cases, to issue writs of *certiorari*, to remove any cause or a transcript thereof from any inferior jurisdiction into their court, on sufficient cause supported by oath of affirmation." North Carolina enacted in 1786 that the public tax on each and every poll should equal the public tax on 300 acres of land. The constitution of Tennessee, Article I, Section 26, provides that "no freeman shall be taxed higher than 100 acres of land, and no slave higher than 200 acres on each poll." But perhaps the most remarkable feature of this constitution was that respecting the tax to be levied on land, in the following language: "All lands liable to taxation in this State, held by deed, entry or grant, shall be taxed equally and uniformly in such manner that no 100 acres shall be taxed higher than another, except town lots," etc.

It is not certain whence this idea was derived. It is not to be found in the constitution of North Carolina, nor in that of any of the other States. It probably originated in the Territorial Legislature of 1794, in which, as will be seen by reference to the preceding pages, the most serious contest occurred over the question of what the tax should be upon each 100 acres of land, whether $12\frac{1}{2}$ cents, 18 or 25 cents, the decision being finally in favor of 25 cents. The idea of taxing lands according to quantity instead of according to value was probably derived from the fact of the equal value of the lands at that time, and was suggested to the constitutional convention of 1796 by the course pursued by the Territorial Legislature of 1794. At any rate it was embodied in the first constitution of this State, where it remained an anomalous feature, working greater and greater injustice, as lands became more and more unequal in value, until the adoption of the constitution of 1834, when the

principle was adopted of taxing lands as well as other property according to their value.

With reference to the qualifications of electors the constitution of Tennessee provided that "Every freeman of the age of twenty-one years and upwards possessing a freehold in the county wherein he may vote, and being an inhabitant of this State, and every freeman being an inhabitant of any one county in this State six months immediately preceding the election, shall be entitled to vote for members of the General Assembly for the county in which he may reside." This was a step considerably in advance of the provisions of the North Carolina constitution, which required an elector to be a freeman, a resident of the county twelve months, and to be possessed of a freehold of fifty acres in the county in which he resided, to qualify him to vote for senator. To be qualified to vote for representative he was required to have been a resident of his county twelve months, and to have paid public taxes. But it will be observed that under both these constitutions colored men, if free, could vote.

Then in reference to the qualifications of office-holders, the constitution of Tennessee provided, like that of North Carolina, that no clergyman or preacher of the gospel should be eligible to a seat in either house of the General Assembly. With regard to the religious qualification of office-holders in general, it is interesting to note the advance made in public opinion during the twenty years from 1776 to 1796. In the North Carolina constitution it was provided that "No person who shall deny the being of God, or the truth of the Protestant religion, or the divine authority of either the Old or New Testament, or who shall hold religious principles incompatible with the freedom or safety of the State, shall be capable of holding any office or place of trust or profit in the civil department of this State." The constitutional convention of Tennessee, when discussing this question, evidently had the constitution of North Carolina before them, and were determined to improve upon that instrument. When the first draft of the constitution was presented, January 30, 1796, no reference was made to religious qualifications for office-holders; but on February 2, Mr. Doherty moved, and Mr. Roan seconded the motion, that the following be inserted as a section in the constitution: "No person who publicly denies the being of God, and future rewards and punishments, or the divine authority of the Old and New Testaments, shall hold any office in the civil department in this State;" which was agreed to. Mr. Carter then moved, and Mr. Mitchell seconded the motion, that the words "or the divine authority of the Old and New Testaments" be struck out, which being objected to, the yeas and nays were called for.

and resulted in an affirmative victory by a vote of twenty-seven votes to twenty-six. Afterward the word "publicly" was struck out, and this section of the constitution was adopted in the following form: "No person who denies the being of God, or a future state of rewards and punishments, shall hold any office in the civil department of this State."

One or two features of the bill of rights are deemed worthy of notice in this connection. The twenty-ninth section, adopted through the efforts of William Blount, was as follows: "That an equal participation of the free navigation of the Mississippi is one of the inherent rights of the citizens of this State; it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever." Section 31 was as follows: "That the people residing south of French Broad and Holston, between the rivers Tennessee and Big Pigeon, are entitled to the right of pre-emption and occupation in that tract." It is stated that the name "Tennessee" was suggested as the name of the State by Andrew Jackson, the members from the county of Tennessee consenting to the loss of that name by their county, on condition that it be assumed by the State.

The president of the convention was instructed to take the constitution into his safe keeping until a secretary of State should be appointed under it, and then to deliver it to him. The president was also instructed to send a copy of the constitution to the Secretary of State of the United States; and he was also instructed to "issue writs of election to the sheriffs of the several counties, for holding the first election of members of the General Assembly and a governor, under the authority of the constitution of Tennessee, to bear teste of this date." (February 6, 1790.) On the 9th of February a copy of the constitution was forwarded to the Secretary of State, Mr. Pickering, by Joseph McMinn, who was instructed to remain at the seat of the Federal Government long enough to ascertain whether members of Congress from Tennessee would be permitted to take their seats in Congress. Mr. White, who was then territorial delegate in that body, was urged by Mr. McMinn to apply for the admission of Tennessee into the Union. In response to the application of Mr. White, Congress at length passed the following act, receiving the State of Tennessee into the Union:

WHEREAS, By the acceptance of the deed of cession of the State of North Carolina, Congress are bound to lay out into one or more States the territory thereby ceded to the United States.

Be it enacted, etc., That the whole of the territory ceded to the United States by the State of North Carolina shall be one State, and the same is hereby declared to be one of the United States of America, on an equal footing with the original States, in all respects whatever, by the name and title of the State of Tennessee. That until the next general census the said State of Tennessee shall be entitled to one representative in the House of

Representatives of the United States; and in all other respects as far as they may be applicable, the laws of the United States shall extend to and have force in the State of Tennessee, in the same manner as if that State had originally been one of the United States.

Approved June the 1st, 1796.

GEORGE WASHINGTON,

President of the United States.

JONATHAN DAYTON,

Speaker of the House of Representatives.

SAMUEL LIVERMORE,

President of the Senate, pro. tem.

Writs of election were issued by the president of the convention to the sheriffs of the several counties, requiring them to hold the first election of members of the General Assembly, and governor of the State. The Legislature thus elected assembled at Knoxville March 28. The Senate was constituted as follows: From Tennessee County, James Ford; from Sumner County, James Winchester; from Knox County, James White; from Jefferson County, George Doherty; from Greene County, Samuel Frazier; from Washington County, John Tipton; from Sullivan County, George Rutledge; from Sevier County, John Clack; from Blount County, Alexander Kelly; from Davidson County, Joel Lewis; from Hawkins County, Joseph McMinn.

The Senate was organized by the election of James Winchester, speaker; Francis A. Ramsey, clerk; Nathaniel Buckingham, assistant clerk; Thomas Bounds, door-keeper. The House of Representatives was composed of the following gentlemen: Blount County, Joseph Black and James Houston; Davidson County, Seth Lewis and Robert Weakley; Greene County, Joseph Conway and John Gass; Hawkins County, John Cocke and Thomas Henderson; Jefferson County, Alexander Outlaw and Adam Peck; Knox County, John Crawford and John Manifee; Sullivan County, David Looney and John Rhea; Sevier County, Spencer Clack and Samuel Newell; Sumner County, Stephen Cantrell and William Montgomery; Tennessee County, William Fort and Thomas Johnson; Washington County, John Blair and James Stuart. James Stuart was chosen speaker; Thomas H. Williams, clerk; John Sevier, Jr., assistant clerk, and John Rhea, door-keeper.

The two houses being thus organized met in the representatives chamber, to open and publish the returns of the election in the several counties for governor. From these returns it appeared that "citizen John Sevier is duly and constitutionally elected governor of this State, which was accordingly announced by the speaker of the Senate, in presence of both houses of the General Assembly. On the same day a joint committee was appointed "to wait on his Excellency, John Sevier, and request his attendance in the House of Representatives, to-morrow, at 12 o'clock, to be qualified agreeably to the constitution of the State of Tennes-

see." Gov. William Blount was requested to be present at the qualification of the governor elect, and on March 30, "both houses having convened in the representative chamber, the several oaths prescribed for the qualification of the governor were duly administered to him by the honorable Joseph Anderson." After his inauguration Gov. Sevier presented the following address:

Gentlemen of the Senate and House of Representatives:

The high and honorable appointment conferred upon me by the free suffrage of my countrymen, fills my breast with gratitude, which, I trust, my future life will manifest. I take this early opportunity to express, through you, my thanks in the strongest terms of acknowledgment. I shall labor to discharge with fidelity the trust reposed in me; and if such my exertions should prove satisfactory, the first wish of my heart will be gratified. Gentlemen, accept of my best wishes for your individual and public happiness; and, relying upon your wisdom and patriotism, I have no doubt but the result of your deliberations will give permanency and success to our new system of government, so wisely calculated to secure the liberty and advance the happiness and prosperity of our fellow citizens.

JOHN SEVIER.

The duty of electing United States Senators for Tennessee still remained unperformed. The mode adopted at that time was as follows: The following message was sent by the House to the Senate: "This House propose to proceed to the election of two senators to represent this State in the Congress of the United States; and that the Senate and House of Representatives do convene in the House of Representatives for that purpose to-morrow at 10 o'clock; and do propose Mr. William Blount, Mr. William Cocke and Mr. Joseph Anderson, as candidates for the Senate." The Senate replied by the following message: "We concur with your message as to the time and place for the election by you proposed, and propose Dr. James White to be added to the nomination of candidates for the Senate." On the next day the names of Joseph Anderson and James White were withdrawn, leaving only William Blount and William Cocke as candidates, who were thereupon duly and constitutionally elected the first United States senators from Tennessee. Addresses were prepared by committees appointed for that purpose to William Blount as retiring governor, and as senator elect, and to William Cocke as senator elect, to which both these gentlemen appropriately replied. William Maclin was elected Secretary of State; Landon Carter, treasurer of the districts of Washington and Hamilton, and William Black, treasurer of the district of Mero. John McNairy, Archibald Roane and Willie Blount, were elected judges of superior courts of law and equity. This election occurred April 10. John McNairy and Willie Blount declined the appointment, and Howell Tatum and W. C. C. Claiborne were commissioned in their places respectively. John C. Hamilton was appointed attorney for the State, in place of Howell Tatum, appointed judge.



JOHN SEVIER

On the 14th of April a curious piece of legislation was attempted in the House of Representatives: "The bill to preclude persons of a certain description from being admitted as witnesses, etc., was then taken up, to which Mr. Gass proposed the following amendment: 'That from and after the passing of this act, if any person in this State shall publicly deny the being of a God and a future state of rewards and punishments, or shall publicly deny the divine authority of the Old and New Testaments, on being convicted thereof, by the testimony of two witnesses, shall forfeit and pay the sum of — dollars for every such offense, etc.' The foregoing amendment being received the question was taken on the amended bill which was carried. Whereupon the yeas and nays were called upon by Mr. Johnson and Mr. Gass, which stood as follows: Yeas: Messrs. Blair, Black, Conway, Clack, Crawford, Gass, Houston, Johnson, Looney, Montgomery, Newell, Outlaw, Peck and Weakly—14. Nays: Messrs. Cantrell, Cocke, Fort, Henderson, Lewis, Manifee, Rhea—7. Mr. Lewis entered the following protest: "To this question we enter our dissent, as we conceive the law to be an inferior species of persecution, which is always a violation of the law of nature, and also that it is a violation of our constitution. Seth Lewis, John Cocke, William Fort, John Rhea, Stephen Cantrell, John Manifee, Thomas Henderson." On the 16th of April this question came up in the Senate, where the following proceedings were had: "Ordered that this bill be read, which being read was on motion rejected." On the 22d of April, both houses of the General Assembly being convened in the representatives' chamber, proceeded to ballot for four electors to elect a President and Vice-President of the United States, when the following gentlemen were chosen: Daniel Smith, Joseph Greer, Hugh Neilson and Joseph Anderson. Attorneys-general were also similarly elected on the same day; for Washington District, Hopkins Lacey; Hamilton District, John Lowrey; Mero District, Howell Tatum.

The above mentioned action of the General Assembly, in electing four electors, was in accordance with a law passed by which it was provided that the General Assembly should, from time to time, by joint ballot, elect the number of electors required by the constitution of the United States. The error was in supposing that the State was entitled to two representatives in Congress as well as two Senators, and in accordance with this supposition an act was passed April 20, 1796, dividing the State in two divisions, the first to be called the Holston Division, and to be composed of the districts of Washington and Hamilton; the second to be called Cumberland Division, to be composed of Mero District: each of which divisions should be entitled to elect one representative to Congress.

When it was learned that Tennessee was entitled to only one representative in Congress, Gov. Sevier convened the Legislature in extra session to meet on the 30th of July for the purpose of making an alteration in the act directing the mode of electing representatives to Congress: "for by a late act of Congress the intended number of our representatives is diminished, of course it proportionably lessens our number of electors for President and Vice-President of the United States." In accordance with the necessities of the situation and the recommendations of the governor, the Legislature on the 3d of August, passed the following law:

"Be it enacted, etc.: That an election shall be held at the respective court houses in each county in this State on the first Tuesday in October next and on the day next succeeding, to elect one representative to represent this State in the Congress of the United States."

In an act passed October 8 provision was made for the election of electors for the districts of Washington, Hamilton and Mero, one for each district. William Blount and William Cocke were again elected senators to Congress, and under the act providing for the election of electors of President and Vice-President, the State was divided into three districts, Washington, Hamilton and Mero, and three persons from each county in each district were named to elect the elector for their respective districts. The electors named in the act were to meet at Jonesborough, Knoxville, and Nashville, and elect an elector for each district, and the three electors thus elected were to meet at Knoxville on the first Wednesday in December, "to elect a President and Vice-President of the United States, pursuant to an act of Congress. Andrew Jackson was elected representative from Tennessee to the Congress of the United States, and when that body assembled at Philadelphia, December 5, 1799, Mr. Jackson appeared and took his seat.

On the 31st of January, 1797, an act was passed by Congress giving effect to the laws of the United States within the State of Tennessee. By the second section of this act the State was made one district, the district court therein to consist of one judge who was required to hold four sessions annually, three months apart, and the first to be held on the first Monday of April, the sessions to be held alternately at Knoxville and Nashville. This judge was to receive an annual compensation of \$800. By the fourth section of this act, the entire State of Tennessee was made one collection district, the collector to reside at Palmyra, "which shall be the only port of entry or delivery within the said district of any goods, wares and merchandise, not the growth or manufacture of the United States; and the said collector shall have and exercise all the powers which any other collector hath, or may legally exercise for collecting the duties aforesaid; and in addition to the fees by law provided,

shall be paid the yearly compensation of one hundred dollars." At the election of August, 1797, John Sevier was again elected governor; and a Legislature, consisting of eleven senators and twenty-two representatives from the thirteen counties then in existence, was chosen. Grainger and Hawkins sent Joseph McMinn, Senator, and Robertson and Montgomery sent James Ford. James White was elected speaker of the Senate; George Roulstone, principal clerk; and N. Buckingham, assistant clerk; James Stuart was elected speaker of the House; Thomas H. Williams, clerk; Jesse Wharton, assistant clerk, and John Rhea, door-keeper.

On the 3d of December, 1798, the second session of the Second General Assembly convened at Knoxville. James Robertson was elected senator in place of Thomas Hardeman, who had resigned. William Blount appeared from Knox County in place of James White, resigned. William Blount was elected speaker of the Senate. George Roulstone, clerk, and N. Buckingham assistant clerk. It was at this session of the Legislature that the number of senators was increased to twelve and the number of representatives to twenty-four by a law passed January 5, 1799. Section 2 of the act provided that there should be four senators and eight representatives from Washington District. Washington and Carter Counties were made one senatorial district, and Sullivan, Greene and Hawkins Counties each had one senator, while Carter and Hawkins Counties each had one representative, and Washington, Sullivan and Greene each had two. Hamilton District was divided as follows: Knox and Grainger each had one senator, Blount and Sevier had one, and Jefferson and Cocke one; Knox and Grainger had two representatives each, while the other counties in the district had one each. Mero District—Davidson County had two senators and three representatives; Sumner County one senator and three representatives; and Robertson and Montgomery Counties one senator from both counties and one representative from each. The first session of the General Assembly elected according to the provisions of this act began at Knoxville, September 16, 1799. Alexander Outlaw was chosen speaker of the Senate, and John Kennedy, clerk. William Dickson was chosen speaker of the House, and Edward Scott, clerk.

The first constitution of Tennessee had been so wisely constructed as to subserve its purpose for forty years without urgent necessity being felt for its revision. But in 1833, in response to a demand in various directions, for its amendment, the Legislature passed an act, under date of November 27, providing for the calling of a convention. The act provided that the convention should consist of sixty members, who should be elected on the first Thursday and Friday of March following, and that

it should meet at Nashville on the third Monday of May. The convention having assembled May 19, 1834, Willie Blount, of Montgomery County, was made temporary chairman, and immediately afterward William B. Carter, the delegate from Carter County, was elected president. Mr. Carter, in the course of his speech acknowledging the honor conferred upon him, said "the great principle which should actuate each individual in this convention is to touch the constitution with a cautious and circumspect hand, and to deface that instrument, formed with so much wisdom and foresight by our ancestors, as little as possible, and should there be in that sacred charter of liberty some articles or features of doubtful policy, prudence requires that we should better let it remain than to launch it into a sea of uncertainty when we cannot perhaps better its condition." The Rev. James C. Smith, of the Cumberland Presbyterian Church of Nashville, pronounced a solemn and appropriate prayer. William K. Hill was made secretary of the convention, and William I. I. Morrow assistant secretary, the latter by a yea and nay vote of fifty-one to nine. Ministers of the gospel and editors of Tennessee newspapers were admitted to seats within the bar of the house. Various committees were appointed, each committee to bring forward amendments on some specific department of the constitution—the first the Bill of Rights, the second the Judicial Department, the third the Legislature, etc. The Bill of Rights in the new constitution remained substantially the same as in the old. Its position was changed from that of the eleventh article to that of the first, and the first change was in the seventeenth section, from which is the following sentence: "Suits may be brought against the State in such manner and in such courts as the Legislature may by law direct, provided the right of bringing suit be limited to citizens of this State," the proviso being omitted. In the nineteenth section the sentence "and in all indictments for libels the jury shall have a right to determine the law and the facts, under the direction of the court, as in other cases," the word "criminal" was inserted in the last phrase, so as to cause it to read "as in other criminal cases." Section 26, reading that "the freemen of this State shall have a right to keep and bear arms for the common defense," was changed so as to read that "the free white men," etc. Section 31, describing the boundaries of the State, was amended by the following additional words: "And provided also that the limits and jurisdiction of this State shall extend to any other lands and territory now acquired or that may hereafter be acquired by compact or agreement with other States or otherwise, although the land and territory are not included within the boundaries hereinbefore designated."

In the constitution proper, Article I in the old constitution became Article II in the new, and two new sections were prefixed thereto. These new sections provided that the government should be divided into three distinct departments, Legislative, Executive and Judicial, and that no person belonging to one of these departments should exercise any of the powers belonging to either of the others except in certain specified cases. Section 4 of this second article provides that an enumeration of the qualified voters should be made every ten years, commencing in 1841, instead of an enumeration of the taxable inhabitants every seven years, and Section 5 provides that representatives shall be appointed according to the number of qualified voters instead of the taxable inhabitants, and the number of representatives was limited to seventy-five until the population of the State became 1,500,000, and after that event the number should never exceed ninety-nine, and the number of senators was limited to one-third of the number of representatives. Under the old constitution no man was eligible to a seat in the General Assembly unless he possessed, in his own right, at least 200 acres of land. From the new constitution this requirement was omitted. Section 20, Article I, of the old constitution limited the pay of legislators to \$1.75 per day, and no more than that sum for every twenty-five miles of travel to and from the place of meeting. This was changed in the new constitution so that each member was allowed \$4 per day, and \$4 for every twenty-five miles of travel to and from the seat of government.

In the old constitution the governor was required to possess a freehold estate of 500 acres of land, and to have been a citizen of the State four years. In the new constitution he was required to be at least thirty years of age, to be a citizen of the United States, and to have been a citizen of Tennessee at least seven years next preceding the election, the property qualification being omitted. The article on the qualifications of electors was changed so as to read "every free white man of the age of twenty-one years, being a citizen of the United States, and of the county wherein he may offer to vote six months next preceding the day of election, shall be entitled to vote for members of the General Assembly and other civil officers for the county or district in which he may reside; provided that no person shall be disqualified from voting at any election on account of color who is now by the laws of this State a competent witness in the courts of justice against a white man. A free man of color shall be exempt from military duty in time of peace, and also from paying a free poll tax." Section 3 of article IX was entirely new, and read: "Any person who shall fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for

that purpose, or be an aider and abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State." The new constitution established a supreme court for the State, and provided that this court should consist of three judges, one of whom should reside in each of the three grand divisions of the State, the concurrence of two of whom was necessary in every case to a decision. It also provided for their term of office and salary.

The above are the principal changes made in the old constitution by the convention of 1834. Its labors terminated August 30, after passing an ordinance for an election to be held on the first Thursday and Friday of March, 1835, on the question of adopting the constitution it had prepared. A curious provision of this ordinance was as follows: "That no person shall be deemed a qualified voter in said election except such as are included within the provisions of the first section of the fourth article of the amended constitution," according to which only free white men were allowed to vote. Thus the convention itself assumed the right and exercised the power of adopting for the people a portion of the constitution, the whole of which it was preparing to submit to them for their ratification or rejection. This proceeding was doubtless extra-judicial, but was defensible, if at all, on the ground that the free colored men who had hitherto exercised the right of suffrage, would most probably vote against their own disfranchisement, and thus, perhaps, render doubtful the fate of the constitution. The amended constitution was submitted to the people March 5 and 6, and was ratified by them by a vote of 42,666 for the constitution to 17,691 against it. According to the census of 1830 there were then in the State 4,511 free colored persons, or about 900 who, under the old constitution, were entitled to vote, which number had probably increased to 1,000 at the time of the adoption of the amended constitution.

The session of the convention lasted about three months and its deliberations were characterized by great earnestness, patriotism and intelligence. The future good of the State was kept constantly in view, and the care and caution and even jealousy with which proposed changes were scrutinized are sufficiently indicated by the method adopted in their discussion—each section being read, considered and voted upon four times before finally disposed of. But its crowning work was its estimate placed upon the value of education, and provision made for the perpetuity of the fund for the support of common schools. This estimate is clearly and forcibly expressed in the following language: "Knowledge, learning and virtue being essential to the preservation of Republican institutions, and the diffusion of the opportunities and advantages of

education throughout the different portions of the State being highly conducive to the promotion of this end, it shall be the duty of the General Assembly in all future periods of this Government to cherish literature and science." The provision made for the perpetuity of the common school fund, and the development of the educational facilities under the new constitution are discussed and set forth in the chapter on education.

In 1853 this constitution was so amended as to provide for the election of the judges of the supreme court by the qualified voters of the State at large, and of the judges of the inferior courts by the qualified voters of the district to which such judges were assigned. An attorney-general for the State and attorney for the districts and circuits were to be elected in the same manner instead of by the Legislature. Before the conclusion of the civil war, a convention met at Nashville, January 9, 1865, and completed its labors on the 26th of the same month. By this convention the following amendments were framed and submitted to the people

That slavery and involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, are hereby forever abolished and prohibited throughout this State.

The Legislature shall make no law recognizing the right of property in man.

Other amendments were made abrogating certain features of the constitution of 1834, so as to make it consistent with the above amendments, and also declaring treasonable, unconstitutional, null and void, the declaration of independence of Tennessee, and the ordinance dissolving the Federal relations between Tennessee and the United States of America, passed and promulgated May 6, 1861.

The present constitution was prepared by a convention held in Nashville January, 1870, and which ended its labors February 23, 1870. The first change made was in Article I, Section 4, which in the constitution of 1834 reads: "No religious test shall ever be required as a qualification to any office or public trust under this State." In the constitution of 1870 this section reads, "No political or religious test, other than an oath to support the constitution of the United States and of this State, shall ever be required as a qualification to any office or public trust under this State." Section 5 of this article, "That elections shall be free and equal," was amended by adding the following words: "And the right of suffrage, as heretofore declared, shall never be denied to any person entitled thereto, except upon conviction by a jury of some infamous crime, previously ascertained and declared by law and judgment thereon by a court of competent jurisdiction." Section 6, reading "That the right of trial by jury shall remain inviolate," was amended by adding

"and no religious or political test shall ever be required as a qualification for "jurors." Section 8, "That no free man shall be taken or imprisoned or disseized of his freehold, liberties or privileges," etc., was amended by omitting the word "free." Section 18 was amended so as to read: "The Legislature shall pass no law authorizing imprisonment for debt in civil cases."

In the legislative department of the constitution, important changes were made. Counties and incorporated towns were forbidden to lend their credit to, or to become stockholders in, any incorporation, except upon a three-fourths majority of the vote cast at an election upon the question, and the credit of the State was forbidden to be given to any company, incorporation or municipality. No bonds of the State can be issued to any railroad company, which at the time of its application for the same is in default in payment of interest upon the State bonds previously loaned to it, or that previously to such application shall have sold any State bonds loaned to it at less than par. In the executive department the principal change made was in conferring upon the governor the veto power. The qualifications of electors were so changed as to confer the suffrage on every male person of the age of twenty-one years, resident in the State one year and in the county six months who had paid his poll tax. The supreme court was changed so as to consist of five judges instead of three, of whom not more than two may reside in any one of the grand divisions of the State. The judges themselves are required to elect one of their own number chief justice.

One of the miscellaneous provisions of the present constitution is as follows: "The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets within this State." A provision was also inserted under which each head of a family is entitled to a homestead of the value of \$1,000, exempt from sale for debt, except for public taxes and the purchase price of the homestead, which may be retained by the widow and minor children so long as occupied by them. The intermarriage of white persons with negroes or mulattoes, or persons of mixed blood descending from a negro to the third generation inclusive, is prohibited under this constitution. The vote on the ratification of this new constitution was taken March 26, 1870, and resulted as follows: For the constitution, 98,128; against it, 33,872. In East Tennessee, 15,678; against it, 17,155. Middle Tennessee, 48,503; against it, 7,190. West Tennessee, 33,947; against it, 9,527.

CHAPTER VIII.*

GROWTH AND DEVELOPMENT—IMPERFECT AGRICULTURAL METHODS—PRODUCTIONS FOR MARKET—SUPPLY FOR HOME CONSUMPTION—ADOPTION OF IMPROVED AGRICULTURAL IMPLEMENTS—COMPARISON OF THE THREE GRAND DIVISIONS OF THE STATE IN CROPS AND PROGRESS—THE STAPLE PRODUCTS—THE GREAT RANGE OF PRODUCTIONS AND THE REASON—FRUIT, GRAIN, TOBACCO, COTTON, PEANUTS, HAY, HEMP, FLAX, SORGHUM, LIVE-STOCK AND MISCELLANEOUS PRODUCTS—INTRODUCTION OF THE COTTON-GIN—PURCHASE OF THE PATENT BY THE LEGISLATURE—THE LABOR QUESTION AND THE COST OF PRODUCTION—FERTILIZATION AND STATISTICS.

TENNESSEE is so happily situated geographically and topographically that her fields yield in greater or less abundance nearly every product of the temperate zones, and it is doubtful if any other State in the Union possesses equal agricultural resources. Yet the condition of agriculture in the State has not been so prosperous as the nature of the soil, the variety of the products and the salubrity of the climate should insure. This is due partly to the agricultural methods, which have been in the main quite primitive, and partly to the fact that in Middle and West Tennessee especially, the attention of farmers has been directed to one or two crops to the almost utter exclusion of all others. It is true that before the war these farmers were the most thriving in the State and that many of their farms were in a high state of cultivation and improvement, but this mode of agriculture could succeed and prove profitable only under a well regulated and well disciplined system of slave labor. The great civil convulsion which overturned the social system of the South wrought most disastrous changes among the land owners and farmers, and many years have been required for them to recover from the effects, and to adapt themselves to the new condition of society.

There is a widely marked and striking difference in the three divisions of the State in the economical management of the farmers. The most distinguishing characteristic of the average farmer in East Tennessee is the effort which he makes to supply what may be required for his own consumption. It is not uncommon on a small farm to see a patch of cotton, which the women of the household work up into cloth; a spot given to tobacco for home consumption; a field of sorghum, from which

*Compiled from Killebrew's "Resources of Tennessee," "Revised Hand Book of Tennessee," census and other reports, and collected by the writer from numerous original and reliable sources.

syrup is made for domestic use; a few acres of wheat are raised for flour; corn and oats or hay to feed the stock, which usually consist of a few sheep, to supply wool for winter clothes; cows, from which a considerable revenue is derived by the manufacture of butter, and a brood-mare or two, from which the farmer rears his mules and horses for farm use. Besides these an abundance of the staple vegetables and of all kinds of poultry are raised. A few bee-hives and an apple and peach orchard are the necessary adjunct to nine-tenths of the farms in East Tennessee. The most striking fact in the farming operations of that division is that no money crop is raised. Tobacco, cotton, corn and hay are all grown in small quantities, not so much for sale as for use. The amount of money realized by the average farmer of East Tennessee is exceedingly small, and yet the people in no portion of the State live so well or have their tables so bountifully furnished. Many a farmer, who lives like a lord at his table, does not realize \$200 in money from his farm in a year, and this comes mainly from the sale of feathers, chickens, eggs, dried fruit and occasionally a few cattle or mules. Indeed, with their strict habits of economy, they have but little use for money. The wool and cotton, by the patient industry of the female members of the family, are wrought into cloth. A few hides from the beeves are tanned and made into shoes. Salt, coffee and sugar comprise almost the sum total of purchases, while a few dollars are required to meet the demands of the tax-gatherer.

The use of improved machinery, except in the valley lands, is impossible on the farms in East Tennessee; consequently the implements are very inexpensive, and are frequently made at the neighboring blacksmith shop. The valley farms, however, are usually supplied with all the machinery to be found upon the best farms in the other portions of the State. The growing of corn and wheat for a long period in East Tennessee, without proper rotation, resting or clovering, has greatly impaired the fertility of the soil; yet there is no better land anywhere for clover, and the rich, red ferruginous subsoils, resting in the valleys on the limestone rock, are susceptible of being kept up to a high point of fertility if properly managed. Although a small minority of the farmers are content to plant, work and gather their crops just as did their fathers and grandfathers before them, under the lead of a few intelligent farmers, and the inspiration of the East Tennessee Farmers' Convention, great changes for the better have been wrought within the past few years. Improved breeds of cattle, sheep and hogs, and better methods of cultivation have been pretty generally introduced. When this spirit of progress and improvement shall have become general, East Tennessee will rival

any other portion of the Union in the variety and wealth of its agricultural products.

Unlike his brother in East Tennessee, the farmer of the middle division, especially in the Central Basin and the richer portions of the Highlands, aims to have in addition to the food crops, a "money crop" of either tobacco, cotton or peanuts. His anxiety is greater to secure the former than the latter, for his domestic habits are not such as to enable him to dispense with money to the same extent as the farmer of East Tennessee. As a usual rule, except in places remote from town, he does not manufacture his clothes at home, but buys them. He does not pay as much attention to the smaller industries, nor is his every day table supplied with such a variety of food. Milk and butter he usually produces in abundance for home consumption; but unless in the dairy business he does not aim to produce a surplus for market. While his orchards may cover more acres, his orchard products are less remunerative. Fowls are raised in large quantities, but the money for them belongs to the housewife, and does not enter into his bills receivable. His thoughts center in his money crops, and everything, even the appearance of his farm, must yield to the imperative demands of such crops. He feels no disappointment at having no corn or pork to sell. He aims to make a supply. If there is a surplus he rejoices, if not, he remains contented. He knows and appreciates the value of labor-saving machinery, and his farm is usually well supplied with the best of implements. His work-stock are the best his purse will enable him to buy. He also inherits a love for a good saddle horse. He rejoices in a good cotton-gin, or tobacco screw, gin house or tobacco barn, and will take infinitely more pains to exhibit these than he will his dwelling, although his dwelling may be tasteful and elegant in its surroundings. He is fond too of a good stable, with a bounteous supply of provender, though stables and everything else must yield to the exactions of his "money crop." If a stock raiser, everything is subordinated to that, it being the "money crop." The possession of a heavy purse once a year is the dream of his existence. Energetic, thoughtful, intelligent and painstaking, he prospered under a different condition of things. He prospers yet, when able to take the front row or to carry on his farm in a systematic and orderly manner. He is not so careful of his land now as before the war; he does not value it so highly. He can be tempted to rent out fields that in the regular order should be rested. Sometimes his clover seed runs short, and he prefers to let the unsown fields lie fallow rather than to incur further expense. He is not so particular about having his fence corners clean as formerly. He is in a manner disheartened because he

can rely upon no regular supply of labor. His enthusiasm is greatly chilled by the course of events, and yet he will confess that in a good season with good hands his profits are as great and as satisfactory as ever.

The farms in Middle Tennessee, as a general thing, are much better improved than in the other divisions. The dwelling houses are good, many of them elegant, some of them princely. Stock raising and cotton growing in this central basin are the favorite branches of industry. Fine stock, horses, cattle, hogs and sheep of the most approved breeds are to be found in every county. On the Highlands surrounding the basin, peanuts, tobacco, wheat and fruits are the favorite crops. The average farmer of lower West Tennessee aspires to be a planter. He loves to see many broad acres in cultivation. He is ambitious, industrious, careless and energetic. He cares for nothing so much as to see his cotton fields flourishing. He does not try to raise his supplies, but stoutly maintains that he can buy them cheaper than he can make them. Debt has no such terrors for him as for the East Tennessee farmer. He will stake his all upon the prospects for cotton; chicken, eggs, butter, corn, wheat, hay, meat—all these are little things and cotton will buy them. Cotton is the great mogul of all the crops. It controls all and buys all. Land, teams, tools are as nothing, compared with the lordly bales rolled out from the gin house. Gullies may wash, fences may rot, houses may fall to decay, but cotton must be raised. A big crop of cotton will buy fresh fields with virgin soil elsewhere. Taking care of land and resting it may do for the farmer elsewhere, but time is too valuable to be wasted in this way by the average West Tennessee farmer. He can and does spend money for fertilizers, and they are used where the cotton crop will get the full benefit. He will crop out his land, or rent it out, payable in cotton, but rarely in money. He is inclined to be more cosmopolitan than his brothers of the other divisions, yet he cherishes a high regard for his State, but would cherish it still more, if it would produce more cotton.

In the more northern counties of West Tennessee, however, the average farmer is very much like the Middle Tennessee farmer. He has his money crop, but he takes an interest in working supplies enough for home consumption. He is careful of his soil, and feeds and nurses it with clover. He takes great delight in his corn crop until his tobacco plants begin to press him, then the corn must stand second in his affections. He loves his hay fields, but his tobacco fields better. He is fond of rich soil and studies the aptitudes and capacities of the different varieties, and plants his various crops so that each may have the most con-

genial soil. There is no better farmer in the State than the farmer of northern West Tennessee. He raises a surplus of all food crops, but pays little attention to the smaller industries. He is fond of good stock, especially good hogs, which his magnificent corn crops enable him to rear in great quantities. He keeps up his improvements and has a lively faith in the future of the State.

The many varieties of soil and the difference of elevation give to Tennessee a very wide range in its agricultural products. Assuming that an elevation of 333 feet is equivalent, so far as temperature is concerned to one degree of latitude, it will be seen that the highest clime of the Unakas in the East differ from the low lands of the Mississippi by nearly fifteen degrees of latitude: the one having a semi-tropical climate and the other that of Canada. The soils do not differ less than the climate. Upon them can be grown the sweet potato of the South and the Irish potato of the North, both in remunerative quantities, and of excellent quality. Peaches that attain their luscious sweetness in a sunny climate find in the State a congenial home, where they are brought to their highest perfection. Apples, upon the elevated lands, bear as profusely and ripen as deliciously as in the great apple growing region of Ohio or Michigan. Grapes of many varieties bear in unsurpassed luxuriance upon the sunny slopes and rich hills in every part of the State. Plums, apricots, pears, nectarines and cherries flourish and yield in profusion. Even the fig, in sheltered places, may be brought to maturity in the open air. Those more common, but not less useful fruits, the blackberry, raspberry and the dewberry are indigenous throughout the State. In the woods and in the fields, on poor soil and on rich, covering the mountain tops and flourishing in the alluvial bottoms, the blackberry bush supplies a rich, healthy and delicious fruit, and in quantities sufficient to supply ten times the present population. So numerous and so excellent are the berries, that pickers are sent out from Cincinnati and from other northern towns to gather and ship the fruit. The raspberry and dewberry grow wild, and yield abundantly. The cranberry grows wild in the elevated swampy places of Johnson County, and but for want of facilities for transportation could be made a source of great profit. Of the great staple products, corn should, perhaps, be ranked first, although as a "money crop" it is subordinate to both cotton and tobacco. Tennessee now ranks ninth as a corn growing State. In 1840 she stood first. The average annual production of this cereal is not far from 50,000,000 bushels. The great central basin of Middle Tennessee, the rich valleys of East, and the low lands of West Tennessee raise enormous crops of this grain and the quality is greatly superior to that grown

in higher or lower latitude. The grain matures earlier than in the North and dries thoroughly, fitting it to make a superior quality of meal, and it is noted for its freedom from rot. The average yield per acre for the State is about twenty-three bushels; but this average is low, due to the pernicious habit in some parts of the State of planting the same land year after year in this exhaustive crop without manure. Among the best farmers, those who practice rotation and clovering, the average yield is not far from forty bushels. The rent paid for some of the bottom lands on the upper Tennessee, is twenty and sometimes thirty bushels of corn per acre, and the yield often reaches seventy-five, and in some rare instances, 100 bushels per acre.

Of the cereals, wheat ranks next in importance to corn. The usual quantity of wheat raised varies from 5,000,000 to 10,000,000 bushels, with a large average yield per acre. About 1,000,000 acres are sown annually. The best wheat growing portions of the State are to be found in the upper counties of the valley of East Tennessee, the counties lying on the north side of the Highland Rim, the northern counties of West Tennessee, and the rolling lands of the central basin. The average yield in these regions is not far from fifteen bushels. Though the yield of wheat is far from being what a thorough preparation of the land and early seeding could make it, yet the excellence of the berry compensates in some degree for the scantiness in the yield. The flour made of Tennessee wheat commands in every market a superior price. It has been estimated that at least one-half of the flour exported to Brazil and other inter-tropical countries is manufactured from wheat grown south of the Ohio and Susquehanna Rivers. There is a peculiarity in the flour which enables it to resist damp, and it remains fresh and sweet when flour made from wheat grown in high latitudes becomes sour and worthless. It also has the capacity of absorbing more water, and retaining it in the baking process, giving a greater number of pounds of bread for a given number of pounds of flour. All the nutritive elements are fully developed in the wheat of Tennessee, and, maturing a month earlier than the wheat crop of New York, it commands a ready market at good prices.

The annual production of oats in Tennessee amounts to about 5,000,000 bushels. The best authorities put the yield at sixteen bushels per acre, but the primitive methods employed in separating the straw from the grain leave a large portion of the latter adhering to the straw. Twenty-five bushels per acre can be grown upon any soils in any portion of the State that have not been impoverished by bad tillage. Even upon the thin, barren, flat lands that are found in some portions of Lewis, Lawrence, Coffee and other counties, oats grow with a prodigal luxuri-

ance, as also upon the sand-stone soils of the Cumberland Table-land. Upon the richer valley and bottom lands fifty bushels per acre are not an extraordinary yield, and seventy-five have been made. Greene, Hawkins, Knox, Sullivan, Roane, Washington and Blount Counties in East Tennessee; Davidson, Wilson, Montgomery and Sumner in the middle division, and Obion, Dyer and Gibson in West Tennessee furnish the best soils for oats.

While the number of acres devoted to barley in the State does not exceed 5,000, it is yet one of the most profitable crops grown by the farmer. The average yield per acre is about eighteen bushels. About one-third of all that is grown in the State is raised in Davidson County. It flourishes well in the high valleys and coves in Johnson and Carter Counties, and would grow well in all the rich valley lands of East Tennessee. The black lands, of the central basin yield very large crops, twenty-five to thirty-five bushels being quite common.

Rye is not considered a productive crop in Tennessee. Farmers rarely sow it, except for winter or early spring grazing, a use to which it is admirably adapted. It is used also to some extent as a fertilizer, and as it grows with vigor where corn, oats and wheat fail, it supplies a great want upon the thin and worked soils. The amount of land in the State devoted to rye is about 25,000 acres, which gives a yield of about 220,000 bushels, or about nine bushels per acre. This yield is doubtless largely diminished in consequence of the excessive grazing to which it is subjected. The largest rye-growing counties are Marshall, Lincoln, Rutherford, Bedford and Davidson in Middle Tennessee, and Johnson and Carter in East Tennessee. West Tennessee raises but little rye, yet its soil and climate would insure an abundant yield.

Only a small amount of buckwheat is grown by the farmers of Tennessee. About 60,000 bushels is the average crop of the State, grown principally in Johnson, Carter, Washington and Perry Counties. It is not a remunerative crop, yielding only about seven bushels per acre.

From the early settlement to the present time, sweet potatoes have formed one of the leading articles of food. They grow well in all thoroughly drained soils of the State, and where the land is friable and moderately fertile. Bottom lands are not usually the best for the growth of this vegetable; the tendency of such places is to produce an enormous growth of vines at the expense of the tubers; nor does cold, clayey land suit them. The flavor is greatly improved in a soil with a small admixture of sand or fine gravel. When grown upon very rich land they are apt to be sappy and insipid. The annual yield is about 1,200,000 bushels, or 100 bushels per acre. The counties raising the greatest

quantities are Shelby, Obion and Gibson in West Tennessee; Davidson, Wilson and Montgomery in the Middle Division; and Knox, Bradley and Anderson in East Tennessee.

Irish potatoes are not grown in sufficient quantities in the State to supply the home demand, although when planted upon suitable soils and well worked, the yield is prolific. Upon land moderately fresh and well fertilized, the yield can be brought up to 400 bushels per acre. Yet the statistics of this crop shows an average yield of only seventy-seven bushels, and the entire production 1,122,000 bushels. This vegetable grows well in every division of the State, and especially is it brought to perfection in the more elevated portions. Even the Cumberland Tableland, though yielding sparsely of the leading crops, produces the Irish potato in profusion.

Of the "money crops," perhaps the most important is tobacco. In the production of this plant Tennessee stands third among the States, Kentucky being first and Virginia second. The average yield per acre is between 700 and 800 pounds, although as much as 1,200 and even as high as 1,800 can be grown on the best soils in favorable seasons. Grown in some of the soils of Kentucky and Tennessee, it acquires a peculiar richness. Tough, thick, gummy and leathery in its character, it has the capacity of absorbing water, which makes it peculiarly adapted to the manufacture of strips for the English market; the tobacco known as the "Clarksville tobacco," and which grows on the rich red soils of Stewart, Montgomery, Robertson, Cheatham and Dickson Counties, is capable of absorbing 33 per cent of its weight in water. It is prepared for the English market by pulling out the main stem and packing it in hogsheads as dry as possible. These "strips" are watered after reaching the English market, and inasmuch as the duty on tobacco is about 72 cents per pound, every pound of water absorbed by the strips is 72 cents in the pocket of the importer, and he is thus enabled to sell per pound at the same price at which he buys and still make a handsome profit. It is this peculiar property that gives the Clarksville tobacco such a high rank among the English dealers. The upper parts of Sumner, Trousdale and Smith, all of Macon, Clay and Jackson, and parts of Overton, Putnam, Wilson and DeKalb, raise a kind of tobacco not well suited for the manufacturer. It is large, leafy, coarser than the Clarksville tobacco, and is deficient in the active principle. It is principally consumed in the French and Spanish markets, a small quantity going to Italy and Germany. Obion, Dyer, Henry, Weakley and Benton Counties raise a very fine manufacturing leaf. It is, indeed, the finest article for that purpose grown west of the Alleghany Mountains. It is rich, silky,

mild, of a light color, and some of it rivalling the brilliant colors of the fading hickory leaf. It is especially valued for bright and mottled wrappers. All of this tobacco is consumed in the United States, none being exported on account of its high price and scarcity. This tobacco is not well adapted for stemming purposes, and even if it were, the price is too high to make its use in this manner profitable. Coffee, Warren, Moore, Lewis, Lawrence, Wayne, Hickman, Humphreys and Dickson, raise small quantities of light, mild tobacco. Nearly every county in East Tennessee grows enough for home consumption, and but little more. The quality of tobacco differs widely from that grown in the other divisions of the State. It is smaller and lighter, and not so rich in nicotine. The stronger tobaccos of Middle and West Tennessee contain as high as six per cent of that alkaloid, while that grown in East Tennessee does not contain above three per cent. It, however, is preferred by many on this account, being milder, pleasanter and more agreeable.

The history of tobacco cultivation in Tennessee dates back to its earliest settlement. The pioneers who settled in the fertile valleys of the Watauga, Nollichucky, and Holston Rivers, raised tobacco for their own consumption; and those who planted colonies on the Cumberland during the last two decades of the eighteenth century brought seed from North Carolina and Virginia, and began its culture. Although grown for many years in a small way, it was not until about 1810 that tobacco began to form one of the great staples of the State. By 1820 7,000 hogsheads were annually sent in flat-boats to New Orleans and exchanged for coffee, sugar, salt and other commodities. The extinguishment of Indian titles in West Tennessee, in 1818, added immensely to the available area for cultivation. Prices were generally low, but the cost of production was scarcely appreciable. It is estimated that during the decade from 1820 to 1830, the actual cost of growing tobacco did not exceed \$1 per 100 pounds. From 1830 to 1840 the culture was widely extended. In the latter year Henry County, in West Tennessee, heads the list, reporting a yield of 9,479,065 pounds, over 1,000,000 pounds more than any county at the present time produces. Smith County came next, with 3,017,012 pounds; Sumner, 2,615,000; Montgomery, 2,549,984; Wilson, 2,313,000; Robertson, 1,168,833; Williamson, 1,126,982; Rutherford, 1,084,000; and Stewart, Jackson and Davidson, 993,495, 859,336, and 334,394 pounds, respectively. The entire yield for the State in that year was 29,550,442 pounds, nearly 200,000 pounds more than was reported in the census of 1850. The prices which prevailed in 1837 were very low, and many planters shipping to New Orleans were brought into debt for freight and charges. During the next two years the prices increased, and from 4 to

10 cents per pound was frequently paid. In 1839 the prices were higher than for several succeeding years. From 1841 to 1846 the prices ranged from 2 to 8 cents, but in the latter year, on account of the Mexican war, the price fell to from 1 to 3 cents. In 1850 fair prices again prevailed. About 1834 dealers began to put up factories in Clarksville, and to purchase leaf tobacco. Several establishments for making "strips" sprang up shortly thereafter, and in 1840 the number of stemmeries had considerably increased. This gave renewed animation to the industry, millions of pounds of tobacco being annually bought in Clarksville, and prepared for the English trade.

The first effort to establish a market for the sale of tobacco in Clarksville was made in 1842, but it was difficult to persuade such planters as still adhered to the practice of pressing the tobacco and shipping it to New Orleans, to consent to sell in Clarksville. It was not until February, 1845, that warehouses for the inspection and sale of tobacco in casks were erected, and for the year ending September 1, 1845, 900 hogsheads were reported sold. Three or four warehouses were opened in 1846, and since that time they have been increased both in size and number. With the exception of Louisville, Clarksville opened the first inspection warehouse in the West.

Nashville also was a point where some business was done in tobacco as early as 1835. In 1840 the receipts amounted to 4,000 hogsheads, and for the next ten years remained stationary, varying from 4,000 to 5,000 hogsheads annually. About 1850 two tobacco stemmeries were put up, which prepared from 125 to 150 hogsheads of strips; considerable leaf tobacco was also shipped to the New Orleans market. From 1850 to 1860 the trade increased somewhat, reaching from 7,000 to 8,000 hogsheads, the weight of the hogshead being increased about twenty per cent. During the war the tobacco trade in Nashville was suspended, and did not greatly revive until 1872. Paris, Henry County, is also a tobacco market of some importance. In 1880 it contained six factories, only three of which were in operation. These factories during that year put up about 208,000 pounds.

In Clarksville, while the amount of sales varies somewhat with the success or partial failure of each crop, there is always a considerable amount sold loose to the factories for the manufacture of strips. In 1879 the number of hogsheads of strips was less than for many years. In that year five factories in operation reported an aggregate production of 544 hogsheads or 680,000 pounds of strips, although the usual amount ranges from 800 to 2,000 hogsheads. Springfield, in Robertson County, does a considerable business in stemming, and also in the manufacture of

plug tobaccos. Nearly every town in the tobacco-growing region, especially if it be on the railroad, contains one or more dealers who buy leaf tobacco, put it into hogsheads, and ship it to Clarksville, Nashville or Louisville.

Cotton is another of the great staple products of Tennessee. Its cultivation, however, is mainly restricted to a comparatively small area, eighty-four per cent of the entire amount being produced in West Tennessee, and only one per cent of it in that portion of the State east of the Central Basin. In 1879 the county in the State having the highest total production was Shelby, with 46,388 bales. The county having the highest average production per acre was Lake, with 1,059 pounds of seed cotton. These counties of West Tennessee produce the best cotton grown in the State, and the farmers give to this staple almost their entire attention. The uplands yield a very desirable article much sought after by the spinners of New England and Great Britain on account of its cleanliness. At the London exposition in 1851, the cotton raised by Col. John Pope, of Shelby County, received the medal as the best cotton known to the world. Lincoln, Rutherford, Giles, Williamson and Maury are the principal cotton-growing counties of Middle Tennessee, although it is produced to some extent in the whole of the Central Basin. The five counties mentioned in 1879 produced over 43,000 bales.

The following are the counties of Tennessee producing the greatest quantity of this staple, together with the number of bales and the average yield per acre for 1879 the weight of the bales averaging about 475 pounds:

	Production in bales.	Average bales per acre.
Shelby.....	46,388	.50
Fayette.....	39,221	.43
Tipton.....	21,415	.56
Haywood.....	23,092	.46
Gibson.....	19,372	.52
Madison.....	19,257	.42
Hardeman.....	18,937	.42
Lauderdale.....	13,250	.50
Giles.....	13,802	.44
Rutherford.....	12,414	.38
Carroll.....	11,505	.43
Henderson.....	9,469	.42
McNairy.....	9,419	.41
Crockett.....	9,320	.52
Maury.....	8,912	.41
Dyer.....	8,564	.59
Weakley.....	7,576	.49
Henry.....	5,516	.42
Hardin.....	5,345	.42
Williamson.....	4,533	.38

Obion	4,225	.58
Lincoln.....	3,486	.39
Lake	2,412	.74
Decatur	2,169	.39
Benton.....	1,801	.37
Marshall.....	1,721	.37
Davidson.....	1,533	.41
Hickman	1,302	.42
Wilson	1,272	.40
Wayne.....	1,207	.37

The remaining counties each produced less than 1,000 bales. Although the average yield per acre is one-half greater than that of Alabama, and equal even to that of Mississippi, it could be greatly increased with proper management. The estimated cost of production per acre, as furnished by eleven cotton growers in as many different counties, varies from \$4.05 to \$16.90 with an average of \$11.43. This cost can be materially reduced by cultivating less land and cultivating it better, employing less labor and thus increasing its efficiency, restoring the exhausted elements to the soil and thus keeping up its fertility, and by producing home supplies.

It is probable that the cultivation of cotton for home consumption was begun with the first settlement of the State, but the amount raised must have been quite small. The first cotton grown west of the mountains by American settlers was planted by Col. John Donelson in 1780, on the east side of Stone's River, opposite Clover Bottom. Before the close of the Indian war fields of half an acre or an acre of cotton were to be seen at most of the "improvements" or settlements. The entire care of this crop at that time, from the planting of the seed to the slow and laborious process of seeding the cotton, devolved upon the women and children of the household.

The invention of the gin by Whitney, in 1793, added impetus to the culture of cotton, although it was not until some time after that the machines came into general use. On October 22, 1803, the General Assembly of Tennessee passed an act, of which the following is the preamble:

WHEREAS, It is proposed by Russell Goodrich, the agent of Elijah Whitney, the inventor and patentee of a machine for the cleaning of cotton from the seeds, commonly called the saw-gin, and Phineas Miller, the assignee of one moiety of the patent right to said machine, to sell to the State of Tennessee, the sole and exclusive right of making, using and vending the said machine within the limits of this State, and

WHEREAS the culture of cotton is increasing in this State, and, from the invention and use of said machine, likely to become a valuable staple article of exportation, it is expedient that the State of Tennessee do purchase from the said Miller and Whitney their patent right to the making, using and vending of the said new invention on the terms and conditions hereinafter mentioned, that is to say, that there shall be levied and collected by the State of Tennessee on each and every said gin which shall be used in the State from the passing of this act, thirty-seven and one-half cents upon each and every

saw or circular row of teeth, which shall be used in said gins in each and every year, for the term of four years, which tax, when collected, is to be paid to the said Miller and Whitney or their order, first deducting the sheriff's usual commission of six per cent for collecting from year to year for the term aforesaid. The first payment to be made on the first day of November, 1804, and the last payment on the first day of November, 1807.

The total amount paid by the State for the use of the gin in the counties of Middle Tennessee, or Mero District, was \$4,517.49, after deducting the sheriff's commission of \$288.35. Gins were used in ten counties as follows: Davidson, twenty-four; Sumner, nine; Williamson, six; Montgomery, five; Robertson, five; Smith, five; Stewart, one; Dickson, one; Wilson, four, and Rutherford, four. The following statistics show the rapid increase in the production of cotton in Tennessee from the beginning of the century: The crop for the year 1801 was estimated at 1,000,000 pounds, and for 1811, at 3,000,000 pounds. Ten years later it had increased 20,000,000 pounds; in 1828, to 45,000,000 pounds, and in 1833, to 50,000,000 pounds. These amounts were only estimated however, and for the last two or three periods, were undoubtedly placed too high, as the census of 1840 reports the crop for the previous year at 27,701,277 pounds. The crop for the next four decennial years was as follows: 1849, 194,532 bales; 1859, 296,464 bales; 1869, 181,842 bales, and for 1879, 330,621 bales.

The great peanut growing region of the State embraces the counties of Perry, Hickman and Humphreys, and portions of Dickson and Lewis. The cultivation of this crop was introduced into this section by Jesse George, of Hickman County. The seeds came from North Carolina, and were given to him by some relatives, who were passing through the county on their way West. These he planted, and finding the county so well adapted to their growth he ventured to raise peanuts for market. Obtaining a good price for these he was stimulated to a larger planting. His neighbors caught the infection and Humphreys soon became famous for the richness and superiority of its peanuts. The entire production of this crop in the region mentioned above reached, in the year 1872, 680,000 bushels; of these Hickman raised 200,000; Humphreys, 250,000; Perry, 200,000, and Dickson, 30,000. The excessive production of that year reduced the price so low that the crop in 1873 was diminished to 110,000 bushels. The prices paid the Nashville and Cincinnati markets vary from 60 cents to \$2.25 per bushel, according to production and demand. The average yield is about forty bushels per acre. The best soils for peanuts are those which are well drained, and have a large quantity of intermingling gravel.

One of the most important crops of Tennessee, and one to which it is peculiarly adapted, is that of hay. Although its production is small in

comparison with its value to the farmer, it has steadily increased for the past fifty years, as is evidenced by the following figures taken from the census reports: In 1839 there were produced 31,233 tons; in 1849, 74,091 tons; in 1859, 143,499 tons; in 1869, 116,582 tons, and in 1879, 186,698 tons. The average yield per acre is not far from one and one-fourth tons. No State is more abundantly supplied with water-courses, and the hay crop of Tennessee might be made to rival that of any other State in the Union. But the hay growing regions are not confined to the low land bordering the streams; on the northern slopes of the ridges of East Tennessee and on the rolling lands of the Central Basin, timothy grows with a surprising luxuriance, and upon the flat lands of the Highland River and in the sandy lands of West Tennessee, herd grass finds a fitting soil and grows to a height almost incredible. Knox, Greene, Sullivan, Washington and Davidson are among the best hay growing counties in the State, Greene ranking first and Davidson second. While the average yield of hay for the State is small, instances are given where meadows favorably located have yielded, for a period of ten years in succession, from two to three tons per acre. Of the many varieties of grasses there is scarcely one but that in some portion of the State can be grown with profit. Timothy is the best grass for hay making, and it improves all pastures when it is mixed with other grasses. It does best in limestone land, in which the crop often amounts to two tons of hay per acre, which rarely sells for less than \$20 per ton.

Blue-grass is a perennial, and is essentially a pasture grass. It grows but on limestone lands, and to it Kentucky and several other States owe a large portion of their wealth. Much of the lands of Eastern and Middle Tennessee produce as fine blue-grass as can be grown anywhere, and it will ultimately cover all the limestone hills of the State. Several of the counties of West Tennessee will also produce good blue-grass. Indeed but little land exists in the State which, under proper management, will not grow this grass profitably, and there is no reason why Tennessee should not rival Kentucky in its production.

Herd's-grass, or red top, is a hardy perennial, and is devoted to both pasture and meadow. For making meadow in swampy land it is regarded as superior to any other grass. It produces a deep, tough sod of roots that make a firm surface, even in muddy places, and yields a ton and a half of hay of good quality per acre. In well drained upland it yields fair crops of hay, but is not equal to clover and timothy. This grass finds a most congenial soil throughout West Tennessee, in many places attaining the height of five feet. It is probably better adapted to all the soils of the State than any other grass. It flourishes upon the slopes

and in the valleys of East Tennessee, and yields abundantly upon the sandstone soils of the Cumberland Table-land, as well as on the rolling surface of the Highland River. In the Central Basin, too, it is second only to red clover and timothy as a meadow grass.

Orchard-grass, also a perennial, makes hay and pasture of the best quality. It grows best on limestone lands, but makes good meadows on any rich soil. It is difficult, however, to get this grass well sodded and to keep it in full possession of the ground. Some of the good points of this grass are its adaptability to every variety of soil, its rapid growth, its ability to resist drought and its power to grow in the shade.

Red clover is the most valuable of all the grasses. It not only makes excellent hay and pasturage, but is, also, the great fertilizer of land. It grows best on rich limestone lands, but may be made to prosper on any land which is not extremely sandy. It finds a congenial soil in the clayey lands of the valleys of East Tennessee, on the red soils of the Highland Rim and on the limestone loams of the Central Basin. Probably three-fourths of the land in the State will grow clover remuneratively.

Besides the common red clover several other species are grown with success, the two most important of which are alsike clover and crimson clover. The former is a perennial and is hardier than red clover, but its yield is less. The latter is an annual, and is chiefly valuable as a green food. Of the annual grasses cultivated in Tennessee the most important is millet, of which there are many varieties. The first millet cultivated in the State was of the kind commonly termed Tennessee Millet. In a few years the Hungarian grass became popular, and later the Missouri millet became the favorite. At the close of the war the German variety was introduced, and soon superseded all others. These grasses all grow best in limestone soils, but prosper on any soil that is rich enough, and there is probably more hay made from them in Tennessee than from any other kind of grass. There are many other valuable grasses which could be profitably grown in the State, but which have not been very generally introduced. Several wild or indigenous grasses grow spontaneously, one of which is the barren, or prairie grass. It covered all the prairie lands when the country was first settled by white people. It springs up about the 1st of April, grows to the height of two feet, and affords good pasturage from April to the 1st of August, when it becomes hard and woody so that stock refuse to eat it. Wherever the forest is not so dense as to exclude the light and heat of the sun, on the streams and table-lands of the Cumberland Mountains and on the sandy, flinty and siliceous "flat woods" of the whole State, this grass still holds possession, and is a blessing to the inhabitants of all lands which are deficient in lime.

Another indigeneous perennial grass is known as nimble will. On limestone lands where the forest has been thinned out it grows up to the height of about fifteen inches and forms a dense mat, affording good pasturage for five or six months in the year.

White clover is a spontaneous growth over nearly the entire State, and is luxuriant in limestone soils. Next to blue-grass it is one of the most valuable grazing plants, and is to the pasture what red clover is to the meadow. It is a hardy perennial, and withstands drouth and constant grazing.

Crab-grass is an annual of some value for fall pasturage, but is a troublesome pest among growing crops, especially during wet seasons. When the farm is kept under a rotation of crops, however, and tilled only once in four or five years, the crab-grass is soon exterminated and better grasses take its place.

In addition to the crops already mentioned there are grown in particular localities hemp, broom corn, flax, sorghum and rice. All the garden vegetables are raised in abundance. Peas, beans, onions, lettuce, cabbage, turnips, radishes, salsify, celery, cucumbers, butterbeans, tomatoes, squashes, melons, carrots, beets, egg-plant, asparagus and many others are found in almost every garden.

The cultivation of hemp is chiefly confined to the counties of East Tennessee. The total crop in the State for 1859 was 2,243 tons, of which Claiborne County produced nearly one-half. The other counties producing it in any considerable quantities during that year were Greene, Hawkins, Cannon and Anderson. In 1869 Hancock County ranked first and Johnson second, the crops for these counties being 290 and 207 tons respectively. The census reports for 1880 show no return from the hemp crop in Tennessee.

The raising of flax is also confined mainly to East Tennessee, and its production in that locality is somewhat decreased. In 1859 the State produced 164,294 pounds of fibre and 9,362 bushels of seed. The reports for 1879 show a total production of only 19,601 pounds of fibre, and 787 bushels of seed, Claiborne County ranking first, having produced nearly one-fourth of the entire amount.

Sorghum is now grown in considerable quantities in every county of the State. Since its introduction about thirty years ago, the production of the staple has steadily and rapidly increased, and it is now one of the most valuable crops raised. The entire production of sorghum for 1859 amounted to 706,663 gallons. The counties producing the greatest quantities were Knox, 51,027 gallons; Blount, 38,594; McMinn, 27,252, and Washington, 26,898. In 1879 the State produced 3,776,212 gallons.

Lincoln County ranked first with a production of 142,357 gallons, and Maury County second, with a production of 137,195 gallons. Wilson, Giles and Rutherford each produced more than 100,000 gallons.

Some maple sugar is also produced in many counties of the State, although the bulk of it is furnished by East Tennessee. In 1859 there was produced 115,620 pounds of sugar and 74,372 gallons of molasses, of which latter article Sevier County produced more than one-half.

In 1879 only 31,296 pounds of sugar and 3,688 gallons of molasses were produced, Grainger County ranking first and Fentress County second in sugar with a production of 3,040 and 2,415 pounds respectively. Wilson County ranked first, and Sullivan County second, in the production of molasses.

There has never been sufficient attention paid by the farmers of Tennessee to the preservation of the fertility of the soil. Land has, hitherto, been so easily obtained that, leaving the future out of consideration, it has been cheaper to buy new land than to preserve the old. But the spirit of improvement which, during the past twenty years, has manifested itself in every industry in the South, has developed better systems of cultivation, and a more intelligent appreciation of the value of fertilizers. All the stable manure and other refuse matter upon the farm is now carefully saved by the best farmers, and is returned to the field for the benefit of the future crops. On account of the small amount of stock kept upon the average farm, the supply of stable manure is insufficient, and recourse to other fertilizers becomes necessary. Of the green crops used for this purpose, here as nearly everywhere else, clover holds the leading place. As there is but little land in the State that will not produce clover, no difficulty is experienced in preserving the fertility of the soil, and in restoring fertility where it has already been impaired. The native or southern pea is also used to some extent as a fertilizer. Recently the use of artificial or commercial fertilizers has been introduced, and is rapidly becoming general. They are more largely used in the cultivation of tobacco and wheat than any other crop. The amount of these fertilizers used in the State in 1885 was estimated at from 10,000 to 12,000 tons, as against about 3,000 tons in 1882. The most extensive fertilizer manufactory in the State is the National Fertilizer Company, with headquarters at Nashville. The company was organized in 1882 with D. C. Scales as president, and W. G. Sadler as secretary and superintendent. Their factory is located about three miles from the town, and has a capacity of 10,000 tons per annum. About 25 per cent of these products are sold in Tennessee, the remainder being distributed among the other Southern States. The bone phosphate which forms the

base of their fertilizer is obtained from the phosphate rock beds of South Carolina. The chemical substances, with the exception of sulphuric acid, are imported from Europe. The company manufacture all of the latter substance which they use. It is generated by the action of acids upon what is commonly known as "iron pyrites," which contains about 45 per cent of sulphur. The rock containing the pyrites is obtained in quantities of several hundred tons at a time, from the quarries of Georgia, Illinois and Wisconsin. The Memphis Fertilizer Company utilizes the refuse from the cotton-seed oil mills as cotton-seed hull ashes and cotton-seed meal, which, when mixed with acid phosphates, make an excellent fertilizer, especially for cotton. There are also two or three firms in the State engaged in the manufacture of pure bone dust.

Tennessee, taking the twelfth rank in the sisterhood of States in the number of her population, aggregating 1,542,359, according to the last census, takes the thirteenth position in point of the value of her live-stock upon farms, aggregating in value \$43,651,470. With only 8,496,556 acres of improved land, there is about one-third of the area of the entire State, or a little more than five acres to each inhabitant, actually available and employed. According to the tenth census there are for each 100 acres eighty so employed; only three horses, three and six-tenths milch cows, five and six-tenths of all other cattle, eight sheep and twenty-five swine. Considering the vast area unemployed and unreclaimed, embracing as it does much of the best lands of the State for the production of the cereals and cultivated grasses, together with the magnificent climate and admirably watered valleys, so well adapted to stock-growing, notwithstanding the aggregate value of live-stock making a large item in the wealth of the State, the percentage appears very low when compared with her real capacity for the development of this great interest. But the State is yearly attracting greater attention among those engaged in stock raising, and she is certainly destined to occupy a foremost place in this most important branch of husbandry.

Tennessee, while possessing fewer horses according to population than many other States, is second to none in the fine quality of this kind of stock. For the past three-quarters of a century this branch of stock husbandry, has received the attention of many of the most enlightened minds of the State, whose time, means and zeal have been devoted to the production of the highest type of the equine race. As early as 1790 many good horses were brought into East Tennessee, and through the influence of Gen. Jackson, who was one of the leaders of the turf, many of them were afterward brought to Middle Tennessee. Since that time some of the finest imported horses ever brought to this country have been owned

in the State, and in the hands of skillful breeders have made Tennessee horses renowned throughout America. Although a few central counties, as Davidson, Sumner, Giles, Maury, Rutherford and others, have hitherto devoted the greatest amount of attention to the breeding of the finest horses, there are many counties which vie with them in the number and value of their stock. In 1880 there were fourteen counties of the State owning over 5,000 horses, Wilson with 9,166 ranking first, and Rutherford with 9,005 occupying the second place. These figures include only the horses owned upon farms. Not so much attention has been paid to the heavy draft horse as to the roadster, the high prices obtained for the latter making it more profitable to the breeder.

The mules raised in the State are nearly equal in number to the horses, and many of the States further south look to Tennessee for their supply of these animals. In 1880 Maury County owned 8,301 mules; Shelby, 7,094; Wilson, 6,336; Fentress, 5,602, and six other counties between 4,000 and 5,000 each.

Next in importance, if second to any other, is the cattle interest of the State. Yet, if the natural advantages and capabilities of the State are taken into consideration, this branch of stock husbandry is developed to a very limited extent. During the war this interest suffered more severely than almost any other, and it has required nearly two decades to recover from its effects. In 1860 the number of cattle of all kinds in the State aggregated 764,732; in 1870, 607,038, and in 1880, 783,634; an increase over 1860 of less than 20,000. The improvement in quality, however, has been great. Notwithstanding, some few of the improved breeds of cattle were introduced as early as 1834 by importations from England and elsewhere, nothing like a general interest was manifested in the introduction of improved breeds, or for the general distribution of the more economic and valuable variety of cattle, until within the last two decades. Since the war, however, the spirit of improvement has awakened the farmers of the State to a higher appreciation than was ever before had of the superiority of good stock over bad or indifferent. Many very valuable Short Horns have been brought into Middle and West Tennessee from Kentucky, and the Lime-stone Basin has become noted for its good cattle. In East Tennessee several very promising herds of Jerseys have been introduced into various sections of the valley, and the interest in stock-breeding is fast becoming general. Some excellent herds of Ayrshires, Devons and Holsteins are owned in various parts of the State, but the greatest number are found in the middle division. In the rougher and more mountainous regions, the native breeds, on account of their natural hardiness and endurance, will undoubtedly continue to be raised more largely than any other.

There is no State in the Union that in climate, physical features, and productions excels Tennessee in the proportion of her territory adapted to the successful prosecution of the important industry of wool-growing. The vast plateaus and extensive ridges and valleys of the eastern division of the State seem almost to have been formed especially for the production of wool, while the table-lands of the middle and western division are scarcely to be excelled for grazing purposes. Notwithstanding these great natural advantages, the aggregate number of sheep in Tennessee according to the last census was only 673,117, a decrease of 204,000 in ten years. This diminution in the number of sheep kept is largely owing to the fact that there is practically no legal protection for the property of the flock owner from the ravages of vicious dogs. Many sheep are annually killed by these depredators, and farmers are thereby discouraged from what would otherwise be one of the most profitable departments of husbandry. But while the number of sheep in the State has largely decreased, it is probable that the valuation of the flocks is fully equal to, if it does not exceed, that of ten years ago. This improvement in the quality of the stock is evidenced by the fact that although the number of sheep in 1880 was one-fourth less than in 1870, the wool clip of the former year exceeded in amount that produced in 1870 by nearly one-half. The pioneer in the breeding of fine sheep in Tennessee was Mark R. Cockrill, of Davidson County. At the great London exhibition held in 1849-50, where every nation in the world was represented, he was awarded the grand medal for the finest specimen of wool exhibited. After making a careful study of the wool of every country, he fearlessly maintained that the peculiar climate and soil and protecting agencies of Tennessee, would make it the best wool-growing region under the sun, and he proved it by wresting the premium for the finest fleece from the assembled wool-growers of the world. Yet with this example before them, the majority of farmers, if they raised any sheep at all, were content with the half-wild animal which may still be found roaming at large in some sections of the State. In late years, however, many counties have introduced in addition to the Merino, the Cotswold, Southdown and Leicester, all of which have proved profitable.

The adaptation of the soil of Tennessee to Indian corn renders it one peculiarly fitted for the growth of swine, and in 1850 she took first rank as a hog-growing State. The following figures show the number of hogs reported in the State at the beginning of each decade from 1840. 1840, 2,926,607; 1850, 3,104,800; 1860, 2,347,321; 1870, 1,828,690; 1880, 2,160,495. This industry became well nigh annihilated during the civil war, but owing to the rapid reproduction of this animal, the State is now

producing as many hogs as in 1860. Swine are probably more susceptible of rapid improvement, by judicious care and breeding, than almost any other class of domestic animals. Hence in renewing their herds, many of the more enterprising farmers, recognizing the importance of introducing improved breeds, made large importations of Berkshires, Poland China, Essex, Jersey Reds, and other standard varieties. These importations have since continued, and such is the perfection to which the hogs of the State are bred, it is questionable if finer specimens are to be found in any other portion of the United States, or in Europe.

More or less poultry is raised or allowed to breed on all farms in Tennessee, but as a general rule the fowls receive but little attention. In East Tennessee, however, the raising of poultry for market is growing into an industry of considerable importance. The value of this interest is usually under-estimated. In 1880 there were over 16,000,000 dozen eggs produced, and the number of fowls in the State exceeded 5,000,000. The natural aptitude of the soils of Tennessee for the production of valuable grasses has already been noticed. That it has natural advantages for the economical production of butter and cheese would almost follow as a necessary consequence. Yet so little have the dairy interests been developed that in 1879 Tennessee, compared with the other States of the Union, stood fourteenth in the amount of butter made upon farms, and twenty-third in the production of cheese, while in the amount of milk sold to butter and cheese factories she stood the twenty-fifth, the amount being only 1,006,795 gallons. With natural advantages equal to those of the great dairy States, New York, Pennsylvania and Ohio, Tennessee has not until very recently produced butter and cheese in sufficient quantities to supply the home demand. Within the past few years, however, the establishment of creameries has given the industry a decided impetus, and in many counties, it bids fair to become the most profitable branch of husbandry. The Tennessee Creamery Company, with headquarters in Nashville, and operating in Middle Tennessee, has done much toward the development of the dairy business in that section. The prices paid for milk by these creameries are fully one-third more than are paid in New York and Pennsylvania, yet they are able to compete successfully in the markets with the butter makers of any other State. The following was written by a well known authority upon the subject: "Tennessee has many eminent advantages as a dairy State. It can make butter as cheap or cheaper than any other State, because good grazing lands are cheaper; because it is the most southern State that grows a variety of grasses and forage plants; because the climate is mild, and cows have access for a longer period to those succulent grasses

which are so promotive of the heavy flood of milk, and consequently winter dairies can be carried on for a greater length of time." That the dairy interests of Tennessee are rapidly advancing is evident from the fact that the butter production for 1879 was double that of 1869, and it is safe to say that the increase during the present decade will be correspondingly great.

From the first settling of the State it has been the custom of a large majority of the farmers to secure a few colonies of bees as a necessary adjunct to a well stocked farm, but it was not until the introduction of improved hives, artificial swarming, movable combs and extractors that it was pursued as a separate vocation. At present there are many persons who engage in this business almost exclusively, and whose profits are satisfactory. In the year 1850 the number of pounds of bees-wax and honey reported for Tennessee was 1,036,572; in 1860, the amount of bees-wax was 98,882 pounds, and of honey, 1,519,390 pounds; in 1870, 51,685 pounds of bees-wax, and 1,039,550 pounds of honey. The decrease for 1870 is doubtless due to the effect of the war. In 1880 the amount of honey reported was 2,130,689 pounds, and of wax 86,421 pounds, which places Tennessee first among the States of the Union in apiarian products. These results are due not only to the increased number of bees kept, but to the improved methods of handling them and to the introduction of Italian bees, which were first brought into the State in the year 1866. Tennessee has the best climate and the greatest variety of food for bees of any State, having all the forage plants of both the North and the South, while it has some that are not found in either. The climate, too, is especially adapted to bee culture, being a medium one with mild and short winters and agreeable summers.

Perhaps no industry in Tennessee has made greater advancement in the past twenty years than that of grape growing, the admirable adaptation of the soil and climate to which was in a great measure unknown or neglected until since the close of the war. One of the first efforts to grow grapes in the State was made by P. F. Tavel, a Swiss, who came to Stewart County in 1844. The varieties he planted being imported failed to do well, and the attempt was abandoned under the impression that the climate was not propitious for the culture of the fruit. Some ten years later a few enterprising persons in various parts of the State, after inspecting the vineyards around Cincinnati, were induced to plant a few vines of the Isabella and Catawba varieties. Among these early pioneers in grape growing were James Clark and Rebecca Dudley, of Montgomery County, who, long before wine making in Tennessee was thought possible, planted and successfully managed several acres of vines, and

made wine that by reason of its excellence and flavor soon became famous throughout the country. The varieties they planted, however, were not suited to the latitude, and the frequent failures of their vineyards induced the belief that Tennessee could never be made a grape growing State. For a time they even were discouraged, but eventually came to the conclusion that the failures arose rather from the unsuitableness of the varieties than from the nature of the location, soil or climate. Acting upon this belief some new kinds, among which were the Ives Seedling and Concord, were planted and were found to thrive so well that the old vineyards were abandoned. Since that time grapes have been very successfully and profitably grown in nearly every section of the State. Several different varieties are planted, but for wine the two above named predominate.

From the days of the earliest settlers, even among the Indians, excellent apples have been grown in Tennessee, and there is scarcely a county in the State that, with proper cultivation, will not produce them abundantly. The most favorable localities for apples, as well as other of the larger fruits, are the river lands of Middle Tennessee, the great plateau of West Tennessee and the hillsides of the eastern division. These localities are equal to the most favored regions of New York and Pennsylvania. Until within the past few years the raising of apples has been mainly confined to the supply for domestic purposes. Most of the old orchards are stocked with native varieties, but new and improved late varieties are now being introduced, and the acreage of orchards is rapidly increasing. Several extensive orchards have recently been planted on the river lands in Robertson County, and also by the Ruby community, in Morgan County.

Of the cultivated berries the strawberry is the most largely raised, and it grows with vigor and productiveness in every portion of the State. The planting and crops of these berries in the vicinity of Chattanooga is said to have doubled annually for the past five years. The shipments of them for the season of 1882 aggregated 143,822 pounds; for the season of 1884, 457,846 pounds, and for the season of 1885, 814,574 pounds. Nearly all portions of West Tennessee, but more especially the northern counties, are unsurpassed for the production of this fruit, and large and annually increasing quantities are shipped to the cities of the North. With the advantages of soil, climate and transportation facilities the possibilities of this business are unlimited.

The cultivation of raspberries, blackberries and dew-berries has not been extensively engaged in on account of the luxuriance and perfection with which they grow in the wild state. Berries of the finest flavor and of large size grow wild along the fence-rows, in "old fields" and in the

CHAPTER IX.

GROWTH AND DEVELOPMENT CONCLUDED—THE TIMBER INTERESTS—KIND AND QUANTITY OF NATIVE WOOD—MANUFACTORIES—IRON PRODUCTS AND SHIPMENTS—THE EARLY FURNACES—THE PRESENT ENORMOUS RETURNS—MINERAL COMPANIES—IRON MANUFACTURES—THE COAL CONSUMPTION AND EXPORTS—THE MARBLE QUARRIES—QUALITY, QUANTITY AND MARKET—THE YIELD OF COPPER ORE—THE PRODUCTION OF FLOUR, COTTON AND WOOLEN GOODS, GUNPOWDER, PAPER, LEATHER, WHISKY, COTTON-SEED OIL, ETC.—THE BUREAU OF AGRICULTURE, STATISTICS AND MINES—WHAT IT HAS ACCOMPLISHED.

FEW States of the Union have a larger proportionate area of valuable timber lands than Tennessee. With a superficial area of 26,000,000 acres, she has in farms a little over 20,000,000 acres, 54 per cent of which consists of woodland. The States having an equal or greater percentage of timber land are Florida, having 66 per cent; Arkansas, 65; North Carolina, 62; West Virginia, 61; Georgia, 59; Mississippi, 58; Alabama, 55; Louisiana, 55, and South Carolina, 54. If the value of the timber is considered Tennessee without a doubt exceeds them all. In her forests may be found almost every variety of tree known to the United States. This is due to the difference of elevation in the State, which produces a great diversity of climate, and to the existence of a variety of soil. Some portions of West Tennessee are covered with heavy forests, the magnificence of which are unsurpassed in America. The river swamps in this part of the State still contain large bodies of cypress, while the hills are covered with oaks, hickories and other hard-wood trees. The central portion of the State, now more largely cleared than either of the other divisions, was once covered with forests of hard wood, considerable bodies of which still remain upon the land least fit for agricultural purposes, or remote from railroads. Nearly through the center of this middle district, extending north and south, the "cedar glades" occupy an extensive region. The eastern portion of the State is covered with a heavy forest of oak and other hard woods, mixed at high elevation with hemlock, pine and spruce, and constituting one of the finest bodies of timber in the United States.

As a catalog and description of all the various varieties of timber in the State would require a volume, only a few of the most important will be noticed. Of the oak Tennessee has twelve or more species, the most valuable of which is the white oak. This tree attains an enormous

size in the valley of the Tennessee, and in the first and second tier of river counties of West Tennessee. It is found in considerable quantities in many parts of East Tennessee, the best being on the ridges in the western part of that division, or in the counties resting against the Cumberland Table-land, and also in the slopes of the Unaka Mountains. The ridges and valleys lying on Duck and Buffalo Rivers are also covered with this tree, and it is pretty generally scattered through all the wooded district of the Highland Rim. The timber from this tree is used in the manufacture of wagons and agricultural implements and for staves and fence rails. White oak lumber sells at the mills for \$18 to \$20 per 1,000 feet, according to demand and accessibility.

The red oak grows in nearly every portion of the State, and furnishes the greater part of the staves for tobacco hogsheads and flour barrels. A large proportion of the charcoal consumed by the furnaces is also manufactured from this timber. The post oak is found in all parts of the State, and grows where the soil is dry, gravelly and thin. It is used extensively for railroad ties, being solid, tough, close-grained and hard to split. The chestnut oak thrives on high, poor, barren and rocky soil, and upon such may be found in every division of the State, but especially upon the leached soils of the Highland Rim. It is chiefly valuable for its bark, which is richer in tanning than that of any other tree. The black oak is found in considerable quantities in the Highland Rim, especially those portions which have a rich loamy soil; as in Montgomery, and parts of Stewart and Robertson Counties. Much of this timber is annually made into boards and staves, many thousands of the latter being shipped to the St. Louis market. The scarlet oak is found in abundance in East Tennessee, growing in moist places. It is also found in the small swampy spots in Middle and West Tennessee, though not in sufficient quantities to make it of particular interest or profit. Black jack oak covers a considerable portion of the "barrens," but as a timber tree it is of little value. Other species of oaks are found in the State, but not in sufficient quantities to make them of much worth.

The black walnut is pretty generally distributed over all the rich soils of the State. Its growth is an unerring indication of fertility. It abounds in the Central Basin, and grows on the better part of the Highlands. It also flourishes on the north sides of ridges and in the valleys of East Tennessee, and attains a marvellous size upon the calcareo-siliceous soil of the western division. Probably no State east of the Mississippi has a greater quantity of this valuable timber. The uses to which it is put are familiar to all. The butternut or white walnut grows upon the margins of streams and is sometimes found on rich northern slopes.

It is scattered over almost as great an extent of territory as the black walnut. The wood from this tree is durable but not strong, and is sometimes used in ornamental work for giving variety and contrast.

Of the hickory there are six species found in Tennessee, the most important of which are the scaly-bark and the common hickory. The latter grows well upon all soils of middling quality in the State, and is found in abundance in what are called the "hickory barrens," on the Highland Rim. It rarely attains a greater diameter than eighteen inches. When of this size it is worked up into axles for wagons, spokes and felloes for carriages, and into ax handles; when small it is used for barrel and hogshead hoops and for box casings. The scaly-bark hickory seeks a fertile soil upon river banks and rich hill sides. It grows to a much larger size and splits more readily than the species described. It is employed for the same purposes.

Of the two species of ash met with in the State the white ash is the most common. It was formerly very plentiful in every part of the State, but is now growing scarce, except in places remote from facilities for transportation. It finds its most congenial soil in the caves and north sides of mountains, and in the rich lands of the Central Basin and West Tennessee. The largest trees to be met with are in Bedford County, some of which have attained a diameter of six feet. The wood is highly esteemed by wheelwrights, carriage-makers, ship-builders and manufacturers of agricultural implements, and is especially valuable for flooring. The green or blue ash is found only along water-courses.

The beech is a common growth throughout the State upon the moist soils lying upon the streams. The most extended groves are found in Macon, Trousdale, Smith, Sumner, Cannon, Bedford and other counties of the Basin. But little of it is converted into lumber, and it is chiefly valuable for fuel. When seasoned the wood is extremely hard and solid. It is used for plow-stocks, shoe-lasts and the handles of tools.

Chestnut is a valuable timber on account of its durability, and is abundant in the State. Large forests are found on the ridges of East Tennessee, on the sandstone soils of the Cumberland Table-land, and in portions of the Highland Rim, especially in the counties of Lawrence, Wayne, Hickman and Perry.

Upon the first settlement of the State cedar forests were as abundant in the Central Basin as those of oak and poplar. The demands of the agriculturist, combined with the export trade, however, have nearly exhausted the supply in Davidson, Williamson, Sumner and Rutherford Counties. The best forests are now found in Marshall, Wilson, Bedford and Maury, covering in the aggregate nearly 300 square miles. Occa-

sional trees of a valuable size are still seen upon the banks of a majority of the streams in Middle Tennessee. Nowhere else in the United States are there found such splendid trees of this timber. In the counties of Marshall and Bedford solid cedar logs have been cut that would square twenty-four inches for a distance of thirty feet.

The cypress finds its most congenial home and attains its highest development in the swamps lying on the Mississippi and Tennessee Rivers, where it is found in considerable quantities. Owing to its peculiar character it rarely grows in company with other trees, but stands in isolated forests, rearing its long white trunk high into the upper air, while its roots permeate the deep black soil, which is often covered with water of an inky blackness. A great quantity of cypress timber is made into shingles and staves for sugar hogsheads and molasses barrels. Set in the ground it resists decay for a great while, which makes it a valuable timber for fencing.

The pine is one of the most abundant, and at the same time one of the most valuable of the forest growths of the State. There are two species, the white and the yellow. The latter grows in considerable quantities in the vicinity of Knoxville, and in many of the parallel ridges in the valley of East Tennessee. It is also found in extensive forests in the Cumberland Table-land, and forms considerable belts in Hardin and Lawrence Counties. Patches are found on the south hill-sides of Wayne, and in less quantities in several counties of the Highland Rim and West Tennessee. It abounds on poor soils, those usually of sandstone, but often on red clay with gravel. It takes possession of abandoned old fields, and grows with rapidity when the soil is too sterile to produce other vegetation. In the regions where it abounds it forms the principal timbers for domestic purposes. The white pine is not so abundant as the preceding; it is distributed in greater or less quantities over the slopes of the Unaka Mountains, and is found locally on the Cumberland Table-land. It grows to a larger size than the yellow pine, and makes a quality of lumber highly prized on account of its lightness and comparative freedom from resinous exudations.

There are several varieties of poplar, known locally as blue, white and yellow poplar, the last named being the most valuable as a timber tree. This grows upon rich soils almost everywhere. The finest specimens in the State are to be found in Obion and Dyer Counties, West Tennessee, and in Maury and Macon, in Middle Tennessee. Trees twenty and twenty-five feet in circumference, and from sixty to seventy feet to the first limb, are often met with. The wealth of poplar timber is very great in almost every part of the State, and millions of feet are annually shipped by river and

rail. It is more used in the construction of houses than any other wood; the studding and clap-boards, sills and joints, rafters and shingles, in a large proportion of frame buildings being made from this timber.

The sycamore, plane or cotton-wood is found growing on the margins of streams in nearly every section of the State. It grows with rapidity, and is troublesome on account of the sprouts that it sends up from the stump. The wood is used in cabinet shops, and makes a beautiful article of furniture. Only as a firewood is it regarded with any favor by the farmer, as it does not split, and speedily decays when exposed to the weather.

Two very different species of trees are commonly called gum; both are quite abundant in Tennessee. The black gum is usually found upon rich, moist soils, and grows to a considerable size where the soil is favorable to its growth. It is a valuable timber for hubs, and is much used for that purpose on account of the difficulty with which it splits. The sweet gum is found in wet marshy places in every part of the State. Large quantities of it are manufactured into plank, which is used for coarse work; it is cheaper than poplar but decays much more rapidly.

The linden or bass-wood, is abundant in the blue grass region of the Central Basin, and in some localities in East Tennessee. As a timber tree it is chiefly valuable for making firkin staves.

Black or yellow locust, flourishes upon the slopes of the Highland and Cumberland Mountains, and also upon the sides of the Unakas. It is also found upon the north sides of Clinch and Powell Mountains, and grows upon the glady places of the Central Basin, where no other tree will survive. This tree rarely attains a greater size than one foot in diameter and a height of thirty or forty feet; but it grows with rapidity and in ten years makes good posts or railroad ties.

There are three species of maple found in Tennessee, the sugar-maple, the red flowering maple and the white maple. The first abounds in the coves of the mountains and on the rich bottoms of the streams. It formerly covered a large portion of the Central Basin, and was the chief reliance of the early settlers for sugar. The wood of this tree has a remarkable beauty. One variety of it, the bird's-eye maple, has an exquisite appearance, the fibres being contorted into little knots resembling the eye of a bird. This timber is still quite abundant in nearly every part of the State, and is yearly becoming more valuable. The red flowering maple grows in wet soils and on the marshy margin of streams, and in such localities is quite plentiful in every division of the State. The wood is hard and close grained. It is valuable for cabinet work, the most beautiful varieties selling higher than mahogany.

Of the elm there are also three species, the white elm, the slippery elm and the wahoo witch, or cork elm. The first is widely distributed in considerable quantities throughout the State, and is by far the largest of the elms, attaining in favorable localities as much as 100 feet in height and 5 feet in diameter. The other two varieties are, perhaps, as widely distributed, but are not so abundant as the white elm. None of the species are of much value for either timber or fuel.

Cotton-wood is confined almost exclusively to the alluvial bottoms of the Mississippi in West Tennessee. It grows very large, towering high in the air, darkening the landscape with its thick foliage. The wood is white, soft and easily cut. Its chief value is for fuel, being used in great quantities by the steam-boats that ply on the Mississippi.

Of the firs there are two species found in the State, the balsam fir and the black fir or spruce. Some of the highest mountain peaks are covered with the former variety, which is seldom met with at a lower elevation than 4,000 feet. The dark foliage of the tree has given the name to the Black Mountains of North Carolina, and makes the characteristic feature of many of the highest peaks of the Unakas. Being inaccessible it is rarely made into lumber, though the trunks often reach 100 feet in diameter. The black fir is found in the same localities.

As a shrub sassafras is found in every portion of the State, but most abundantly in the valley of East Tennessee and upon the Highland Rim. It is a great pest to the farmer, sometimes covering a field with sprouts almost as thickly and continuously as if sown. These shrubs upon their soil never reach the dimensions of a tree, and rarely attain a size sufficient for fence-stakes. In West Tennessee, however, the sassafras is one of the largest trees of the forest. A specimen of this species was found in Obion County which measured sixty inches in diameter, exclusive of the bark. The wood is soft, brittle and close grained, and is used for house studding and to some extent for the manufacture of furniture.

The trees mentioned constitute the great bulk of the timber in Tennessee, but there are many other varieties which have a special interest. Among them are the buckeye, mulberry, wild cherry, dogwood, tupelo, pecan, catalpa, cucumber, laurel, holly, hornbeam, box elder, chinquapin, crab apple, hackberry, willow, birch and persimmon.

The development of the manufacturing and other industrial enterprises in Tennessee since the close of the civil war has been almost unprecedented, and especially is this true of the lumber business. No trade during the past twenty years has exhibited a more uniform and substantial growth than that embraced in the manufacture and distribution of lumber, and no industry with the exception of iron, gives employ-

ment to a greater number of persons and requires a larger investment of capital. The principal center of this industry in the State is Nashville, which now ranks fifth in the importance as a lumber market, and third in size as a manufacturing center. The annual value of her lumber production amounts to about \$5,000,000. The annual shipments of rough and manufactured lumber reach nearly 120,000,000 feet. It is sent to nearly every city in the United States, and large quantities are exported to London, Liverpool, Hamburg, and other European points. Although during later years considerable amounts have been received by rail, the chief supply of logs and lumber is received by the Cumberland River, one of the greatest logging streams for its length in the world. The chief lumber staple of Nashville is the yellow poplar, although that city stands at the head of all Southern cities as a hard-wood market, and has the largest trade in black walnut lumber of any market in the United States. It is also the distributing point for the famous Tennessee red cedar. The beginning of this industry in Nashville may be said to date from 1840, when the first steam saw-mill was erected. From that time until the war the lumber operations were confined almost exclusively to the local trade. The only shipments of any consequence were red cedar rafted to Memphis, Helena and New Orleans, and consisting mostly of railroad ties. Within the past ten years the business has developed wonderfully, and the volume of capital invested is annually increasing. In 1870 there were but three saw-mills and six planing-mills. There are now within the limits of the city thirteen saw-mills, twelve planing-mills and thirty-five firms engaged in the lumber trade.

The second city in importance as a lumber center is probably Chattanooga. The mills in that city now cut annually from 14,000,000 to 20,000,000 feet of lumber, while those in the country tributary to it cut not less than 100,000,000 feet more. Of this latter product about 30,000,000 feet is handled by Chattanooga dealers, and used by her wood-working establishments. Large amounts of pine, both yellow and white, as well as nearly all the varieties of hard wood are manufactured into lumber and shipped to Northern cities. In addition to the plow and other agricultural implement manufactories which consume a large amount of lumber there are in Chattanooga nine establishments engaged in manufacturing chair furniture, pumps, handles, and wooden ware, which represent in the aggregate an investment of over \$350,000. These factories gives employment to more than 500 hands, and turn out annually manufactured products to the value of \$500,000. Few of these establishments date their existence back of 1870, and the majority of them have been put into operation the present decade.

Memphis is also a lumber center of importance. Its mills are supplied by raft from the Mississippi, Arkansas and Tennessee Rivers, and saw large quantities of cypress, ash, poplar, hickory, gum, and black walnut.

This industry in Knoxville also is developing rapidly, and that city, situated as it is in one of the finest timber regions in the world, will in a few years, no doubt, rival any other point in the State, especially in the manufacture of pine and hard-wood lumber. Every county in the State manufactures lumber in greater or less quantities. According to the last census the number of saw-mills in Tennessee was 755, representing an investment of capital to the amount of \$2,004,500, and making \$3,744,905 worth of products annually. Could a report of this industry be obtained at the present time these figures would be largely increased. The following table exhibits the condition in 1880 of the manufactures which are altogether or very largely dependent upon timber for raw material:

	No. of Estab- lishments.	Capital.	Value of Products
Agricultural implements.....	33	\$161,030	\$ 182,116
Boxes.....	3	23,500	46,000
Coffins, caskets, etc.....	27	40,485	75,900
Carriages and wagons.....	51	715,050	1,253,721
Cooperage.....	52	36,350	153,275
Sash, doors and blinds.....	8	183,500	268,230
Wooden ware.....	3	99,430	247,350
Furniture.....	85	511,250	954,100

The making of white oak staves for the European market has grown to be quite an important industry. The number annually shipped from the lower Tennessee River, and made in Hardin, Wayne, Perry, Humphreys and Stewart Counties is over 1,500,000. About one-half of the quantity is shipped out of the Cumberland. In their rough state they command at New Orleans usually from \$80 to \$150 per thousand.

The industry of first importance to Tennessee, and for which she has resources unexcelled by any State in the Union, is the manufacture of iron and its manipulation into forms of utility. Although this industry, as it now exists, has grown up in the past twenty years, its history dates back into the last century. The first settlers of Tennessee erected iron works within its limits soon after the close of the Revolution. A bloomary was built in Washington County in 1790, and another at Elizabethton, on Doe River in Carter County, about 1795. Wagner's bloomary, on Roane Creek, in Johnson County, is said to have been built in the same year. A bloomary was also erected on Camp Creek, in Greene County, in 1797. Two bloomaries in Jefferson County, the Mossy Creek Forge, ten miles north of Dandridge, and Dumpling Forge, five miles

west of Dandridge, were built in the same year. At about the same time, if not earlier, David Ross, the proprietor of iron works in Campbell County, Va., erected a large furnace and forge at the junction of the two forks of the Holston River, in Sullivan County, near the Virginia line, on the great road from Knoxville to Philadelphia. It is said that boats of twenty-five tons' burden, could ascend to Ross' iron works, and that at Long Island, a short distance above on the Holston, boats were built to transport iron and castings, made in considerable quantities at these works, with other produce, to the lower settlements and to New Orleans. A bloomary was built about 1795 below the mouth of the Watauga, and another at the same time about twenty-five miles above the mouth of French Broad River, and thirty miles above Knoxville. In what is now known as Middle Tennessee, iron was also made during the last decade of the last century. A few years after the founding of Nashville, iron ore was discovered about thirty miles west of the future city. Between 1790 and 1795 Cumberland Furnace was erected on Iron Fork of Barton's Creek, in Dickson County, seven miles northwest of Charlotte. This furnace was rebuilt in 1825, and is still in operation. This county, with Stewart and Montgomery Counties, afterward became very prominent in the manufacture of charcoal and pig-iron. The first furnace in Montgomery County was probably on Yellow Creek, fourteen miles southwest of Clarksville, built in 1802. The enterprises of these early iron workers assume a picturesque aspect, when viewed in connection with the primitive methods of manufacture which were employed by them, and which, in some portions of East Tennessee, have been continued to the present day. Their charcoal furnaces were blown through one tuyere with wooden tubs, adjusted to attachments which were slow in motion, and which did not make the best use of the water-power that was often insufficiently supplied by mountain streams of limited volume. A ton or two of iron a day in the shape of pigs or castings was a good yield. The bloomaries, with scarcely an exception, were furnished with a *trompe* or water-blast in a small stream with a suitable fall supplying both the blast for the fires and the power which turned the wheel that moved the hammer. Of cast iron cylinders, steam power, two tuyeres, and many other improvements in the charcoal-iron industry, these people knew but little. They were pioneers and frontiersmen in every sense; from the world of invention and progress they were shut out by mountains and streams and hundreds of miles of unsubdued forests. It is to their credit, and it should not be forgotten, that they diligently sought to utilize the resources which they found under their feet, and that they were not discouraged from undertaking a difficult task, because the only means for its accom-

plishment of which they had any knowledge were crude in conception and often very difficult to obtain.

The iron industry of Tennessee, however, made steady progress after the opening of the present century. Both furnaces and bloomaries multiplied rapidly. In 1856 there were enumerated over 75 forges and bloomaries, 71 furnaces, and 4 rolling-mills in the State, each of which had been in operation at some period after 1790. Of the furnaces, 29 were in East Tennessee, and 42 in Middle and West Tennessee. Of the latter, 14 were in Stewart County, 12 in Montgomery, 7 in Dickson, 2 in Hickman, 2 in Perry, 2 in Decatur, 2 in Wayne, and 1 in Hardin County. The furnaces in East Tennessee were mainly in Sullivan and Carter Counties, Sullivan having 5, and Carter 7; but Johnson, Washington, Greene, Cocke, Sevier, Monroe, Hamilton, Claiborne, Campbell, Grainger and Union Counties, each had 1 or 2 furnaces, while Roane County had 3. The forges and bloomaries were mainly located in East Tennessee. Johnson County contained 15, Carter 10, Sullivan 6, Washington 3, Greene 10, Campbell 7, Blount 4, Roane 7, Rhea 3, and a few other counties 1 and 2 each. Nearly all of these were bloomaries. In West Tennessee there were less than a dozen refinery forges, and 1 or 2 bloomaries. These forges were mainly employed, from about 1825 to 1860, in the manufacture of blooms for rolling-mills, many of which were sold to mills in the Ohio Valley. Most of the furnaces, forges and bloomaries enumerated have been abandoned. There still remain in the State 20 charcoal furnaces and about the same number of forges and bloomaries. Cumberland Rolling-mill, on the left bank of the Cumberland River, in Stewart County, was built in 1829. It was, probably, the first establishment of the kind in the State, and was the only one as late as 1856.

Since the close of the civil war, Chattanooga has become the most prominent iron center in Tennessee, having several iron enterprises of its own, and others in its vicinity. In 1854, Bluff Furnace was built to use charcoal, and at the beginning of the war, in 1861, the erection of the Vulcan Rolling-mill, to roll bar iron, was commenced. This mill was not finished in 1860, when it was burned by the Union forces. It was rebuilt in 1866. In 1864 a rolling-mill, to re-roll iron rails, was erected by the United States Government, under the supervision of John Fritz, superintendent of the Cambria Iron Works. In 1869 it was purchased by the Roane Iron Company, who at once put in puddling furnaces and began making iron rails. This company, the year previous, had purchased a large tract of land about seventy miles north of Chattanooga, in Roane County, and had built a small furnace with a capacity of about 9,000

tons per year. The business was successful, and the company soon began the erection of another and larger furnace, which was put in blast in 1872. Working capacity of the two, about 20,000 tons annually, which have since been doubled. The first open-hearth steel made in any Southern State, was made by this company, by the Siemens-Martin process, at Chattanooga, June 6, 1878.

The Tennessee Coal, Iron and Railroad Company own three furnaces situated at Cowan and South Pittsburg, which have a combined capacity of about 75,000 tons. The one at the former place was built in 1880, and those at South Pittsburg, in 1879 and 1881.

Other furnaces which are more or less tributary to Chattanooga as a center are Oakdale, in Roane County, capacity, 21,000 tons; Citico, in that city, 35,000 tons; Dayton, in Rhea County, 70,000 tons, making an aggregate capacity of over 225,000 tons. In 1850 the total production of the blast furnace of the State was reported at only 47,873 tons, showing an increase of little less than 500 per cent during the past six years. The grand aggregate of iron and steel manufactured in Tennessee according to the last census was 77,100 tons, valued at \$2,274,253. The capital invested in this industry amounted to \$3,681,776, and was distributed among forty-three establishments. The six leading counties in the order of production were Hamilton, 35,645 tons; Marion, 17,958 tons; Roane, 12,000 tons; Knox, 4,181 tons; Dickson, 2,400 tons, and Stewart, 1,800 tons.

The number of establishments engaged in the manufacture of machinery, nails, car-wheels and other articles using iron as raw material, is annually increasing. The capital invested in this branch of the iron industry in Chattanooga amounts to over \$500,000, and the annual product of iron to over \$800,000. Knoxville, also, has a considerable amount of capital invested in manufactories of this class. The Knoxville Car-Wheel Company in 1880, with a capital of \$101,000, was turning out an average of thirty-five car-wheels per day. The Knoxville Iron Company was incorporated in 1864, and in 1880 had a capital stock paid in of \$230,000. It employs 250 hands, and has a capacity of 200 kegs of nails per day. It has eight puddling furnaces, four trains of rollers, and thirty nail machines. Besides nails the company makes railroad spikes, boat spikes, street rails and light T rails.

The Knoxville Foundry & Machine Company had an invested capital in 1880 of \$45,000, and employed forty hands. This company manufactures mill machinery, castings, steam engines, boilers, saw-mills, derricks and other machinery of that class. Nashville and Memphis are not very extensively engaged in iron manufacturing. In 1880 the number

of foundries and machine shops in the former city was thirteen, with a capital of \$143,300, and an annual production of \$487,451. The extent of this business in Memphis does not differ materially from that in Nashville.

As great and important as are the iron resources of Tennessee, they would be of little value were it not for the vast bodies of coal which lie adjacent. Previous to 1850 but very little coal was mined, and that was mostly used in blacksmithing. The pioneer in the coal business of Tennessee was Henry H. Wiley, of Anderson County, a native of Virginia, and a land surveyor by profession. He opened a mine on Poplar Creek, and for many years during the winter months boated coal down to Huntsville and Decatur, Ala. He hauled the coal four miles to a point below the junction of the four forks of Poplar Creek, where it was put in boats, floated out that stream to the Clinch, then into the Tennessee, and thence to its destination. This mine was opened in 1852. Other mines, however, had been opened several years previous, one or two as early as 1840, but these had been worked merely for local supply. One of the first opened was at what is known as the Tracy City Mine, now the most extensive in the State. The seam of coal at this place was discovered by some boys hunting a rabbit; the animal ran under the root of a tree, and in digging it out the coal was found. They reported the discovery to their father, Ben Wooten, and he, thinking it might be of some value, got out a grant for 500 acres covering the opening. The Wooten Bros. afterward opened the seam, and for many years hauled the coal down the mountain to the blacksmiths in the valley, and some was sent to Nashville. In 1852 Roorman Johnson, John Cryder, S. F. Tracy and others, of New York, came to Tennessee looking for opportunities for investment. They were shown this property and soon after purchased it. A company was then formed under the name of the Sewanee Mining Company, which had a paid in capital of \$400,000. In 1854 the construction of a railroad from the Nashville & Chattanooga Railroad to the mines was commenced, but was not completed until 1859, when the company found themselves \$400,000 in debt. They were sued by both the New York and Tennessee creditors. The latter, represented by A. S. Colyar, obtained the first judgment, bought in the property and re-organized the company under the name of the Tennessee Coal & Railroad Company, with Colyar as president. In 1862 the mines were abandoned by the company, but were taken possession of by the United States troops, and for some time were worked for the use of the army. At the close of the war a compromise was effected with the New York creditors, and, with P. A. Marbury as general manager, operations were recommenced.

In 1868 the manufacture of coke in pits on the ground was begun, and during the year 5,377 bushels were shipped. In 1873 the company foresaw that to make a great and profitable business the manufacture of coke must form a large part of their business, and that that coke must be a good iron-making fuel. A small furnace was erected on the mountain, and this experiment satisfactorily tested. During that year the shipment of coke amounted to 62,175 bushels. The erection of the Chattanooga Iron Company's furnace gave great impetus to the enterprise, and in 1874 the coke shipment increased to 619,403 bushels. The next year the entire property was sold to Cherry, O'Connor & Co., who in 1880 began the erection of a furnace at Cowan, which was finished in July, 1881. In the early part of the following year the property was sold to John H. Inman and others, Tennessee parties retaining a one-third interest. The name was changed to the Tennessee Coal, Iron & Railroad Company.

The first coal shipped from this mine since the war was in June, 1866, and shipments for remainder of the year amounted to 9,240 tons. In 1870 they amounted to 47,110 tons of coal and 413 tons of coke; in 1875, to 109,100 tons of coal and 16,160 tons of coke; in 1880, to 114,170 tons of coal and 64,440 tons of coke; 1883, 126,784 tons of coal and 101,090 tons of coke; 1884, 152,307 tons of coal and 100,935 tons of coke. For several years about one-half of the labor employed in these mines has been that of convicts. The company have a very large tract of land, 25,000 acres of which is underlaid with the Sewanee seam of coal, ranging from two to seven feet in thickness.

The Rockwood mines, owned by the Roane Iron Company, are located in Roane County, ninety-two miles above Chattanooga. This remarkable body of coal was discovered in 1840 by William Green, an employe of John Brown. Green and William Brown soon after entered the land, and began mining the coal for local purposes. This was continued until 1867, when the property was purchased by a company, of which Gen. John T. Wilder was vice-president and manager. As has been stated, the company erected two blast furnaces, and to supply them began the manufacture of coke. This latter branch of their business has steadily increased until they now have 180 ovens.

The Etna mines are situated in Marion County, fourteen miles from Chattanooga in what is known as Raccoon Mountain. They were first opened in 1852 by an Eastern company working under a lease from Robert Cravens and the Boyce and Whiteside estates. Since that time they have been operated by several different companies and individuals with varied success and reverses. The present company was organized in August, 1881, under the name of the Etna Coal Company. The mines

now operated are owned by the company, the estate consisting of about 3,000 acres, extending from the Nashville, Chattanooga & St. Louis Railway to the Tennessee River. The veins worked are known as the Kelly and Oak Hill. From the Kelly Mine a coke is made for foundry use exclusively, while that from Oak Hill is used for blast furnaces. The former mine was originally opened for general domestic use and the product was sold largely in Nashville, Chattanooga and elsewhere, but its superior qualities for blacksmith use and for the manufacture of coke soon caused the trade to drift almost exclusively into that channel. In 1880 about one-fourth of the entire output was coked, the remainder being sold to blacksmiths throughout the South. In 1884 the company had sixty-four coke ovens, and the output from January 1 to November 1 was coal, 41,205 tons, and coke, 533,436 bushels.

The Soddy Coal Company's mines are located on the Cincinnati Southern Railway, twenty-one miles from Chattanooga, at Rathburn Station. This mine was opened in 1867 by an association of Welshmen on the co-operative plan. It proved a failure, and the mine went into the hands of a receiver. The present company took charge in 1877, and the business has since steadily increased. They have 150 coke ovens. Their output from ten months preceding November 1, 1884, was 96,000 tons of coal, of which 32,000 tons were converted into coke. They ship to Georgia, Alabama, Louisiana, Mississippi and Texas.

The Walden's Ridge Coal Company is a corporation with the same stock holders as the Soddy Company. They operate a mine on Rocky Creek, nine miles farther up the railroad, having begun in 1883. Two seams are worked, the lower for coking exclusively, and the upper for steam and domestic purposes. In 1884 thirty-five coke ovens were in operation, producing 404,949 bushels of coke annually. These mines were worked as far back as 1843, but little coal except for blacksmithing was consumed at that time. The first coal mined here for shipment was by Thomas A. Brown and John Baxter, of Knoxville, in 1866.

The coal lands at Coal Creek, in Anderson County, are owned by the Coal Creek Consolidated Mining Company. There are now six mines being worked at that place, of which two are operated by the above company and the remainder leased to the Knoxville Iron Company, the Coal Creek Coal Company, the New River Coal Company, and H. B. and Joel Bowling. The Coal Creek mines were first opened for shipping coal upon the completion to that place of the Knoxville & Ohio Railroad, in 1870. The shipments in 1871 amounted to 36,000 tons; in 1875, 62,369 tons; in 1880, 150,000 tons; and in 1882, 200,000 tons. The Knoxville Iron Company operates a mine about one and one-half miles from

the main track of the Knoxville & Ohio division of the East Tennessee, Virginia & Georgia Railroad. They employ about 150 convicts and thirty-four laborers. During the year 1882 the company shipped 98,645 tons of coal to various markets in southwest Virginia, North and South Carolina, Georgia and Alabama. For the first ten months of 1884 their output amounted to 204,978 tons.

The Dayton Coal & Iron Company's mines are located in Rhea County, Tenn., and are owned by English capitalists. These mines have been recently opened, and are designed mainly to supply coke for the blast furnaces which have been built.

The Standard Coal & Coke Company is composed of Tennessee capitalists who own about 1,400 acres of land, underlaid by a seam of coal four and one-half feet thick. Their mine is situated near Newcomb Station, in Campbell County. They employ 175 men, and produce about 350 tons of coal per day.

The Poplar Creek mines are located in Morgan County. These mines are all small. They are operated by the following companies: Poplar Creek, Mount Carbon, Winter's Gap, Eureka and Oliver.

The Glenn Mary Coal & Coke Company is located in Scott County, on the Cincinnati Southern Railroad.

The Tabler, Crudup Coal & Coke Company was incorporated in 1881. They own 7,000 acres of land in Hamilton County, and put out about 200 tons of coal daily.

One of the most promising fields of industrial activity in East Tennessee, is the development of the wonderful marble quarries in the vicinity of Knoxville. These marbles have obtained a reputation second to no other in the United States, and it is said that when they come into competition with foreign marble, they are greatly preferred and sell for a much higher price. The varieties are almost innumerable, and are of the most exquisite colors. Their solidity, durability and susceptibility of polish make them unequalled for building and monumental purposes. Although nearly fifty years have elapsed since the first marble quarry was opened, the business is still in its infancy, but is now developing rapidly.

The Hawkins County marble was the first quarried, and it is said that it was brought to notice by the favorable expression with reference to it by Dr. Troost, the first State geologist.

In 1838 the Rogersville Marble Company was formed for the purpose of sawing marble and establishing a marble factory in the vicinity of Rogersville. Orville Rice was elected president, and S. D. Mitchell secretary. The company operated to a limited extent for several years,

erected a mill and sold several thousand dollars worth of marble annually, which was mostly distributed in East Tennessee. In 1844 the company sold out to the president, Rice, who on a moderate scale carried on the business for many years. He sent a block of the "light mottled strawberry variety" to the Washington monument. This was called the "Hawkins County Block," and bears the inscription "From Hawkins County, Tennessee." Another block of one of the best varieties was sent by act of the Legislature, which was called the "State Block." These blocks attracted the attention of the building committee of the National Capitol, who, although they had numerous specimens from all parts of the Union before them, decided in favor of the East-Tennessee marble. An agent was sent out by them to ascertain whether or not it could be obtained in quantity, who upon examination found the supply apparently inexhaustible. As a result of these circumstances, an extensive quarry affording an excellent material has been opened near Mooresburg, Hawkins County, and is now known as the old Dougherty Quarry. From this was obtained marble for probably one-half of the ornamental work in the Capitol at Washington. The balustrades and columns of the stairs leading up to the House and Senate galleries, the walls of the marble room and other parts of the building are made from it. It has since been used in the United States Treasury building, the State-house at Columbia, S. C., and many of the finest buildings in New York, Philadelphia, Chicago and Cincinnati. The stone from this quarry has not been used for general construction on account of the high price which it commands for ornamental work.

In 1852 James Sloan opened a quarry about two miles north of Knoxville, near the East Tennessee, Virginia & Georgia Railroad. It was from this quarry that the variegated marble used in the capitol at Nashville was obtained.

The first quarry in the vicinity of Concord was opened in the lands of William T. Smith by S. L. King, 1856. He also constructed a small mill on Lime Creek, where some marble was sawed.

Col. John Williams also opened a quarry previous to the war, a few miles northeast of Knoxville, from which marble of the gray variety was obtained.

The most extensive quarry in Tennessee, and one of the oldest now in operation in the vicinity of Knoxville, was opened by the United States Government in 1869 to procure stone for the construction of the custom house and postoffice buildings at Knoxville. A considerable quantity of this marble was also used in the State Capitol at Albany, New York. The quarry is located at the junction of the French Broad and Holston Rivers.

DEAF AND DUMB ASYLUM, KNOXVILLE.



and the stone is carried by boat four miles to Knoxville. This marble is susceptible of a high polish, and when so polished has a pink tinge and shows dark wavy lines running through it. It is highly esteemed for mantels and table-tops, because it is not easily stained. It is also largely used for cemetery work, and tombstones which have been exposed for thirty years do not show the slightest signs of disintegration or wear.

Morgan & Williams operate two quarries within two miles of Knoxville, one of them producing a white marble, and the other a pink material known as Knoxville marble. The former was used in the construction of the custom house at Memphis, and the shaft of the Lee monument at New Orleans is made of it. The supply of this marble is practically inexhaustible.

The total capital invested in the marble business in Knox County in 1884 was estimated at \$250,000, and the number of men employed at 300. The following were the quarries in operation at that time: the Cross Cut Marble Company, Morgan & Williams, John M. Ross, Craig & McMullen, T. P. Thomas & Co., R. H. Armstrong & Co., H. H. Brown & Co., Harvey & Smith, Franklin Marble Company, Beach & Co., C. B. Ross & Co., and the Lima & East Tennessee Marble Company.* The only ones using machinery are the Knoxville Marble Company and Morgan & Williams. The former has five steam drills, seven steam derricks, and runs a saw-mill with two gangs of saws. Morgan & Williams have three steam channeling machines, and a mill with one gang of saws. In Knoxville Beach & Co. and the Crescent Marble Company have mills for sawing and machinery for polishing. There is a demand for a greater amount of capital in this branch of the business.

The amount of marble in Hawkins County is very great, and its variegated varieties possess greater brilliancy than those of any other section. The business of quarrying has not increased in the same proportion as in Knox County, on account of the poor facilities for transportation. The quarries in operation in 1884 were Prince & Co., Chestnut & Chestnut, John Harnn & Co., Chestnut & Fulkerson, James White, the Dougherty Quarry, Joseph Stamps and the Baltimore Marble Company. The business at none of these quarries is carried on very extensively, and but little machinery is used. For the year ending June 30, 1881, there was shipped from such of these quarries as were operating 20,000 cubic feet of marble, all of which was of the finest grade for ornamental purposes, and was worth on an average \$4 per cubic foot upon the cars. The chief markets of this marble are Philadelphia, Baltimore, New York, Boston and other Northern cities. The amount of

* "Hand Book of Tennessee."

marble shipped over the East Tennessee, Virginia & Georgia Railroad for the year ending June 30, 1871, was about 7,000 cubic feet, of which Hawkins County furnished all but about 350 cubic feet. For the year ending June 30, 1881, the amount shipped over the same railroad was about 80,000 cubic feet, valued at \$240,000. Of the entire amount Knox County furnished not far from 56,000 cubic feet.

Hamblen County produces marble of good quality, but chiefly for local use. Extensive beds of excellent marble exist in Bradley County on the Hiwassee River, above Charleston, at which machinery has lately been erected and preparations made for work on a large scale. South of Cleveland, near the Georgia line, is the quarry of Patrick & Smith, from which a beautiful grade of pink marble is obtained. Although marble in greater or less quantities and of various kinds is found in several other counties of the State, no quarries of importance are now in operation in any of them.

Concord, in Knox County, has recently become the center of a large number of quarries, there being no less than eight companies operating in that vicinity, all of which have been organized since 1880. The Lima & East Tennessee Marble Company, operating the Red Triangle Quarry, was organized in 1882, and made their first shipment in June of that year. Their marble, light and dark variegated, is remarkably sound, and meets with a ready sale in the cities of the North. The Concord marble quarries, operated by Brown, Godfrey & Co., were opened in 1881. They employ an average force of 150 hands, and make large shipments, principally to New York and Boston. Woods & Stamps began operations in 1884, and work a large force of hands. The Juniata Marble Company made their first opening in February, 1883. Their quarries are situated in Blount County, near Louisville. The company employ about thirty-five hands, and have machinery in operation for sawing the marble into slabs. The Great Bend Marble Company, Kin-kaid & Co. and the Cedar Bluff Marble Manufacturing & Railway Company, all opened quarries during 1885.

The number of men now employed in the marble business in East Tennessee is estimated at 2,000. The shipments from the various stations in 1885 aggregated 1,256 car loads, worth from \$250 to \$300 each. There were also manufactured at home about 100 car loads. The shipments for 1886 will not fall short of 1,500 car loads.

Although suspended at the present time, the mining of copper was carried on extensively for many years in Polk County. The discovery of the ore was made in 1843, but none was mined until 1847, when a German named Webber, securing a lease, took out ninety casks of ore and

shipped them to the Revere Smelting Works near Boston. The results not proving satisfactory, he suspended operations and gave up his lease. A year or two later John Caldwell, upon petitioning the Legislature, obtained the passage of a law under which he secured a lease of a section of school land near Ducktown. In May, 1850, he began mining in the woods, and during the year sunk two shafts, from both of which he obtained copper. The next year in connection with S. Congdon, the agent of the Tennessee Mining Company, he opened what was afterward known as the Hiwassee Mine. For the first two or three years the ore was carried out of the mountains on mules, but in 1853 a wagon road was completed at a cost of \$22,000. In 1855 there were fourteen mines in operation, and over \$1,000,000 worth of ore was shipped to the North. Three years later a number of the companies united under the name of the Union Consolidated Copper Company, but the war coming on soon after nothing of importance was then accomplished. In 1866 operations were again commenced and were rapidly extended. Up to June 1, 1873, this company had taken out 8,476,872 pounds of ingot copper, worth an average of 26 cents per pound. At that time they employed 562 men and ran sixteen furnaces. The whole value of their property was \$474,549.30. In 1873 there was one other large company operating near Ducktown, known as the Burra Burra Copper Company. It ran nine furnaces and employed 158 men, paying out for wages \$60,000. It also consumed 10,192 cords of wood and produced 917,329 pounds of ingot copper, valued at \$192,639.

In 1878 the consolidated company entered into litigation with Capt. Raht, the superintendent, which caused a stoppage of operations, and since that time but little has been done by any of the companies. The property of the consolidated company was purchased during the latter part of 1884 by a company from New York, who has not yet put it into operation.

The flour-milling industry of Tennessee in 1880 ranked above all other industrial enterprises both in the amount of capital invested and in the value of its products. At that time there were 990 flour and grist-mill establishments in the State having an aggregate capital of \$3,595,585, and putting out annually products to the amount of \$10,784,804. These amounts were slightly exceeded by one other Southern State, Virginia, but the growth of this business in Tennessee during the past six years has made her the leading milling State of the South. Although no other industry is so thoroughly distributed over the State, Nashville is the flour-milling center of Tennessee. The growth of the business in that city during the past ten years has been wonderfully rapid. In that

time the four leading mills have been built, and the production raised from 500 to 1,800 barrels per day, while the capital invested has increased from \$100,000 to \$600,000. The amount of wheat used annually by these mills reaches 2,340,000 bushels, of which a large portion is grown in Tennessee.

Besides Davidson County there were in 1880 five counties in the State the value of whose mill products amounted to over \$300,000 each. They were Knox, with a production of \$444,617; Henry, \$365,372; Bedford, \$359,208; Maury, \$314,067, and Williamson, \$301,270.

Among the first settlers of Tennessee, Indian corn was used exclusively for bread. This was due to the small amount of labor required in its cultivation, and to the ease with which it could be prepared for use. Previous to the erection of the first rude mill, the only machinery used in the preparation of corn for hominy or meal was the mortar and pestle, the former usually consisting of the stump of a tree hollowed out for that purpose. The first mill erected in Tennessee was built before 1775 on Buffalo Creek, in Carter County, and belonged to Baptist McNabb. At about the same time another mill was built by Matthew Talbot on Gap Creek. The first mill west of the Cumberland Mountains was a corn-mill and hominy-pounder built at Eaton's Station in 1782; a dam was made across the small creek which empties into the Cumberland at the foot of the high land on which the station was located, and by the construction of a race by the side of the branch, sufficient fall of water was obtained to turn a pair of rudely cut stones. The hominy-pounder was an extremely primitive piece of machinery. "A trough was made twelve feet long and placed upon a pivot, or balance, and was so dug out that by letting the water run in at one end of the trough, it would fill up so as to overcome the equipoise, when one end would descend, and, the water rushing out, the trough would return to its equilibrium, coming down at the other end with considerable force, when a pestle or hammer was made to strike with force sufficient to crack the grains of corn." This process proving too slow a Mr. Cartwright constructed a wheel upon which was fastened a number of cow's horns in such a way that as each horn was filled by water its weight turned the wheel so that the next horn was presented to receive its supply, and thus the wheel was kept in constant revolution. To a crank was attached the apparatus for corn-cracking, and by the revolution of the wheel many little blows were made upon the corn placed in the mortar. This mill-seat, water-wheel and hominy-block was the property of James and Heyden Wells, the earliest millers in Middle Tennessee.* A little later Casper and his brother

*Putnam.

George Mansker erected a rival establishment within a mile of Mansker's station. Larger and better equipped mills were erected by Frederick Stump and John Buchanan. Stump's mill was on White's Creek and Buchanan's on Mill Creek, two miles south of Nashville. The many streams in all parts of the State afforded abundant water-power, and after the beginning of the present century there was no lack of mills. Those on Red River were especially numerous, and had a wide reputation for the good quality of their flour. Within the past few years the introduction of the more expensive roller-mills has had a tendency to drive out some of the smaller establishments, and the number of mills is decreasing somewhat.

The manufacture of cotton into various goods has long been an industry of considerable importance in Tennessee, but it has never attained the proportions which her natural advantages would justify. The raising of cotton began to assume considerable proportions during the first decade of the present century, but its manufacture, except in a domestic way, was not attempted until a few years later. In a report of the cotton-mills of the United States in 1810, only one is mentioned in Tennessee, and that was a horse-mill. The *Tennessee Gazetteer* published in 1834, in enumerating the manufactories in the State, mentions two "spinning factories" at Knoxville and Paris, each, and one at Athens; two cotton factories at Murfreesboro and one at Franklin and Statesville, each. The last two are designated as "extensive." There was also a rope and bagging factory at Lebanon. In 1840 the number of cotton factories in the State had increased to thirty-eight, representing a capital of \$463,240, and operating 16,813 spindles. Of the whole number twenty-five were in Middle Tennessee, eight in East Tennessee and five in the western division. The counties having more than \$30,000 invested in this business were Wilson, \$65,000; Williamson, \$48,000; Lawrence, \$47,000; Madison, \$50,000 and Franklin \$33,100. The census of 1860 reported thirty factories with 29,850 spindles and 243 looms, and representing a capital of \$965,000. At this time Lawrence County stood first, having one-fifth of the whole number of factories, and more than one-fifth of the capital invested. Owing to the effects of the civil war the next decade shows a slight decrease in the number of factories and the quantity of the product. From 1870 to 1880 quite a large amount of new capital was invested in cotton manufacturing, but the greatest increase has been within the past five years. In that time the business has increased about 130 per cent. The largest factory in the State, and perhaps in the South, is operated by the Tennessee Manufacturing Company at Nashville. They have over \$1,000,000 invested; run 550 looms and 30,000 spindles, and

turn out products to the amount of nearly \$1,000,000 annually. The goods manufactured consist principally of sheetings, shirtings, grain bags and cotton plaids. Nashville has two other factories, both of which were established in 1881, and represent a combined capital of \$340,000. Their production consists largely of carpet warps, twines and rope. The Columbia Cotton-mills, established in 1884, operate 6,500 spindles and 174 looms, and manufacture sheeting, bags and yarn. The Pioneer Mill at Mount Verd, McMinn County, put into operation in 1881 at an outlay of \$200,000, runs 5,272 spindles and 132 looms. The Trenton Manufacturing Company organized in 1884, with a capital stock of \$60,000, use 3,200 spindles and 100 looms in the manufacture of white goods. The Brookside Cotton-mills, of Knoxville, began operations in March, 1886, employing 200 hands. Other factories of less capacity have been erected since the beginning of this decade, but the above are sufficient to illustrate the rapid growth of this industry. With the advantage of abundant water-power, cheap fuel, and close proximity to the raw material, it is only a question of time when Tennessee will rival, if not excel, New England in the manufacture of cotton goods.

The capital invested in the manufacture of woolen goods is less than one-half that represented by the cotton factories, but it is distributed among a much greater number of establishments, many of which are of small capacity and run only a portion of the year. The woolen-mills of the State, as reported in 1880, numbered 106, representing an aggregate investment of \$418,464. The annual productions are valued at \$620,724, and consisted principally of the following goods: Jeans, 644,036 yards; linsey, 94,493 yards; satinets, 23,300 yards; flannels, 18,450 yards; cloths, cassimeres and similar goods, 8,440 yards; blankets, 2,387 yards; tweeds, 3,000 yards, and shawls 1,000 yards. There was also one establishment engaged in the manufacture of mixed textiles, having a capital of \$35,000, and producing goods to the value of \$79,000 annually. Since the beginning of this decade the manufacture of woolen goods has more than doubled, several of the largest factories in the State having been put into operation within the last four years. The Nashville Woolen Mill Company, with a capital of \$78,000, began business in 1882. They employ 100 operatives, who turn out products to the amount of \$150,000. The Jackson Woolen Manufacturing Company, having an invested capital of \$50,000, began business in 1884, and operate forty-seven looms. The Knoxville Mills, which began business in 1885 with a capital of \$180,000, operates 104 looms.

Previous to 1880 the largest woolen-mill in the State was the one at Tullahoma, which represents a capital of \$90,000, and runs eighty-five

looms. Previous to the war the business consisted almost exclusively in wool-carding, which was carried on by small establishments involving an outlay of only a few hundred, or at most a few thousand dollars. The following is a list of these "carding machines," as reported in the census of 1840. It is evidently incomplete:

	Number.	Capital Invested.	Value of Products.
Wilson.....	6	\$3,750	\$6,000
Sumner.....	5	4,650	2,050
Rutherford.....	5	6,000	3,400
Jefferson.....	3	1,200	360
Grainger.....	3	1,500	700
Hawkins.....	1	2,000	....
Coffee.....	1	4,000	1,000
McNairy.....	1	1,400	30
Knox.....	1	800	450
Dickson.....	1	300	300
Totals.....	27	\$25,600	\$14,290

In 1860 the number of these establishments had increased to sixty-nine, and the capital invested to \$82,300. During the year previous they carded 460,665 pounds of wool, making 460,000 pounds of rolls, valued at \$219,772. At that time Tennessee had over one-third of this business in the Southern States, and was excelled by only three States in the Union. The only mill reported which contained a loom was located in Sumner County. This mill used 10,000 pounds of wool and manufactured 18,000 yards of cloth.

Fifty years ago gunpowder was manufactured in a small way in many of the counties of this State. The capital invested amounted to but little, and the product was correspondingly small. Of these establishments, in 1840, Claiborne and Overton Counties had two each, and Campbell, Carter, Jefferson, Sullivan, Giles and Warren one each. The capital represented ranged from \$25 to \$900, and the product from 160 to 6,000 pounds, the aggregate production reaching 10,333 pounds. About 1845 the Sycamore Manufacturing Company located in Cheatham County, erected a large mill for the manufacture of gunpowder, which they continued to operate until the war. At the close of hostilities the company was organized under a charter, with a capital of \$100,000, which has since been increased to \$300,000. In 1874 the entire machinery of the Confederate Powder Works, at Augusta, Ga., were purchased by the company, and the capacity of their mills was increased to 100,000 kegs of powder per year.

The manufacture of paper was begun in Tennessee at a comparatively early date, and has been continued by one or more mills to the present time. One of the first establishments of this kind was erected at Paper-

ville, a little village on a branch of the Holston River, in Sullivan County. In 1840 the number of paper-mills in the State was six, located one in each of the following counties: Grainger, Knox, McMinn, Sullivan, Davidson and Sumner. They represented an aggregate capital of \$103,000, and their annual products were valued at \$60,000. In 1860 the number of mills had decreased to two, and the amount of capital invested to \$28,000. Their annual product was 200,000 pounds of paper, valued at \$14,500.

The manufacture of leather and boots and shoes is a pioneer industry. Among the early settlers nearly every farmer had a vat, or more frequently merely a trough, in which was tanned the leather to make the boots and shoes for his household. Later numerous small tanneries were erected, which endeavored only to supply the local demand. In 1840 there were 454 of these establishments, of which East Tennessee had 225; Middle Tennessee, 164; and the western division, 65. The entire capital invested in the business was \$484,114, of which Middle Tennessee had a little more than one-half. The aggregate products were 133,547 sides of sole-leather, and 171,339 sides of uppers, of which Montgomery County produced nearly one-sixth. In 1860 the number of tanneries was reported at 265, with a capital of \$851,780, and an annual production of leather to the value of \$1,142,246. The estimated amount of capital invested in the making of boots and shoes was \$214,512, and the productions were valued at \$395,790. In 1870 the number of establishments engaged in the manufacture of leather was 396, representing capital to the amount of \$705,665, and turning out products to the value of \$1,851,638. According to the census of 1880 there were 113 establishments engaged in the manufacture of curried leather, whose product amounted to \$546,427, and 147 establishments manufacturing tanned leather to the amount of \$1,504,660 during the year. The largest tannery in the State is located at Chattanooga, and is operated by Fayerweather & Ladew. The products from this establishment amount to little less than \$1,000,000 per annum. Nashville has several tanneries, all of which do a good business. The Hall & Ordway Manufacturing Company are erecting an extensive establishment at that place to supply their factory, as well as to meet a large foreign demand. This firm operate the only shoe manufactory in the State, and are the pioneers in that business. The company was organized in November, 1885, and began business the first of the following January. They have a capacity of 700 pairs of shoes per day, but already contemplate increasing it to 1,000. They employ from 100 to 350 hands. Their materials, except the findings and uppers, which come principally from Boston and New

York, are obtained from Tennessee tanneries, and their trade is rapidly extending over the entire South. Their success in this business is a sure precursor of numerous other establishments of the kind, as Nashville already has the largest boot and shoe trade of any city of its size in the United States. It is also said by experienced shoemen that Tennessee leather, on account of the superior quality of the bark and the purity of the water used in its manufacture, is superior to that of any other State.

The manufacture of whisky in Tennessee dates back nearly to the advent of the first colonists. As early as 1785 Col. James Robertson, learning that the establishment of distilleries in the Cumberland settlements was under contemplation, secured the passage of an act by the Legislature of North Carolina, prohibiting the distillation of spirituous liquors in Davidson County. The prohibition, however, proved of but limited duration, and there was soon considerable domestic manufacture and increased consumption. For the first fifty or sixty years of the present century, there was scarcely a county in the State that was not more or less extensively engaged in the manufacture of whisky. It was usually made in small distilleries with a capacity of thirty or forty gallons per day. In 1840 the number of distilleries reported in East Tennessee was 606, producing for that year 314,445 gallons of whisky. The counties producing the most were McMinn, Claiborne, Hawkins, Greene, Roane and Marion. The whole number of "still-houses" in Middle Tennessee was 668, and the number of gallons of whisky produced, 695,769. Lincoln, Bedford, Davidson, Maury and Robertson produced the greatest quantities. The first named county had 87 distillers and manufactured 128,180 gallons of whisky. This county and Robertson have long enjoyed the reputation of producing the best whisky in the State, if not in the United States. This is largely due to the fact that it is manufactured by men of long experience in the business, and the materials used are of superior quality. These two counties now produce a large part of the whisky made in the State. The largest distillery in Tennessee is that of Charles Nelson, near Greenbrier, in Robertson County. This establishment in the year 1885 produced 379,125 gallons, more than one-third the entire production for the State, and about 82 per cent of the production in Robertson County. During the fiscal year, ending June 30, 1885, there were 90 registered grain distilleries in the State, of which 55 were in operation, and 238 fruit distilleries—all in operation. The total revenue for the year paid by the former was \$802,515.74, and by the latter \$73,849.55. The materials used by the grain distilleries were as follows: rye, 26,063 bushels; corn, 181,899 bushels; mill feed, 5,581 bushels;

wheat, 49 bushels; and malt, 12,717 bushels. The following is the internal revenue collected upon distilled liquors in Tennessee for each year from 1864 to 1885: 1864, \$602,705.93; 1865, \$1,605,263.41; 1866, \$3,381,840.56; 1867, \$3,349,459.91; 1868, \$3,717,010.04; 1869, \$1,255,781.12; 1870, \$1,470,859.57; 1871, \$874,221.65; 1872, \$766,840.20; 1873, \$644,480.76; 1874, \$664,717.18; 1875, \$861,645.28; 1876, \$596,713.67; 1877, \$897,181.73; 1878, \$844,485.08; 1879, \$908,924.44; 1880, \$1,003,735.86; 1881, \$1,146,763.64; 1882, \$997,728; 1883, \$1,173,890.29; 1884, \$1,249,975.96; 1885, \$1,057,189.43. The total tax collected for the twenty-one years amounts to \$29,071,413.31.

The manufacture of cotton-seed oil is an industry of great importance, both in the amount of capital invested and the value of the products. Memphis is the center of this business, although there are several other towns which have extensive oil-mills. In that city there are eleven mills, but all are not run on full time. The magnitude of this branch of business is indicated by the fact that nearly \$1,000,000 is annually paid out for cotton seed by the Memphis mills alone. It also gives employment to fully 600 hands, and affords to river and railway commerce nearly \$350,000 in freight. The receipts of cotton seed in Memphis during 1885 were 58,000 tons, from which there was a yield of 45,000 barrels of oil, 22,000 tons of oil cake, 26,000 bales of regius and 200 tons of ashes. The last article is used in the manufacture of fertilizers.

A mill to manufacture oil from cotton seed was established in Jackson about seven years ago, and has grown to be one of the largest establishments of the kind in the State. It gives employment to about 150 hands, and runs day and night. In 1883 a company was organized to engage in the business at Trenton, and during the summer large buildings were erected, into which was put the most improved machinery. When first put into operation, the mill consumed 750 bushels of cotton seed, making 500 gallons of oil and 9,000 pounds of meal or coke. Within the past year the capacity of the mill has been doubled.

Nashville has two mills, the first of which was built in 1868. Each consumes from 5,000 to 6,000 tons of cotton seed yearly. Their combined annual product is estimated at 400,000 gallons of oil and 2,100 tons of meal. The oil is used in the manufacture of soap and candles, and in the adulteration of lard and other oils. It is also said to be used to some extent in the manufacture of oleomargarine. The growth of the manufacturing interest of the State since 1850 is shown in the following table:

Year.	No. Establishments.	Capital Invested.	Hands Employed.	Wages Paid.	Value of Materials.	Value of Produce.
1850	2,887	\$6,527,729	12,039	\$2,247,492	\$5,166,886	\$9,725,608
1860	2,572	14,426,261	12,528	3,370,687	9,416,514	17,987,235
1870	5,317	15,595,295	19,412	5,390,630	19,657,027	34,362,636
1880	4,326	20,092,845	22,445	5,254,775	23,834,262	37,074,886

The agency which has been most effective in placing the vast natural resources and advantages of Tennessee before the world, and in inaugurating a better system of farming, is the Bureau of Agriculture, Statistics and Mines, established by act of the Legislature in December, 1871. With the limited appropriations granted to this bureau, not one-fifth as much as is expended for that purpose by some States of the Northwest, it has succeeded in the past ten years in bringing into the State millions of dollars of capital and thousands of families. The commissioners of this department have been men of untiring energy and practical business ability, and to them are largely due the results which have been obtained. J. B. Killebrew, the secretary of the bureau, and the first commissioner, published numerous works on the agricultural and industrial interests. His work on the "Resources of Tennessee" is one of the most thorough and complete publications of the kind ever made. The work of the bureau under his administration proved very effective. A committee, appointed in 1879 to investigate its affairs, reported not less than 8,000 immigrants, and about \$9,000,000 capital had been introduced into the State through its instrumentality. In 1881 the commissioner reported that during the preceding two years there had been added not less than \$5,600,000 to the wealth of the State, and 7,000 immigrants to its population. From 1881 to 1883 the bureau was under the direction of ex-Gov. Hawkins, and since that time the office of commissioner has been filled by Maj. A. J. McWhirter, who is thoroughly alive to the interests of the State. In 1883 an exhibit of the natural resources and agricultural products of Tennessee was made at the Southern Exposition, held at Louisville, Ky., and the Mechanics Institute Fair, held at Boston, Mass. A more extensive exhibit was made at the Industrial and Cotton Centennial of New Orleans in 1884-85, and also in the following year. The profits derived from these exhibits have been great and are manifested in the rapid development of the manufacturing and mining interests of the State, as well as the increase in the number of farms. The population of Tennessee, as reported by the last census, was 1,542,359. It is now estimated by the best statisticians at 1,850,000, a gain of over 300,000, or 20 per cent in six years. The increase in wealth has been proportionately great.

CHAPTER X.

STATE INSTITUTIONS—THE LOCATION OF LEGISLATIVE SESSIONS—FINAL ESTABLISHMENT OF THE CAPITAL—CONSTRUCTION OF THE STATE-HOUSE—DESCRIPTION OF THE STYLE OF ARCHITECTURE—THE JACKSON STATUE—THE STATE LIBRARY—THE DEAF AND DUMB SCHOOL—THE TENNESSEE SCHOOL FOR THE BLIND—THE TENNESSEE HOSPITAL FOR THE INSANE—THE STATE PENITENTIARY—THE HISTORICAL SOCIETY—THE MEDICAL SOCIETY—THE STATE BOARD OF HEALTH—THE AGRICULTURAL BUREAU—THE GRAND LODGES OF MASONS, ODD FELLOWS, KNIGHTS OF HONOR, UNITED ORDER OF THE GOLDEN CROSS, AMERICAN LEGION OF HONOR, KNIGHTS OF PYTHIAS, KNIGHTS AND LADIES OF HONOR, ANCIENT ORDER OF UNITED WORKMEN, ROYAL ARCANUM AND GRAND ARMY OF THE REPUBLIC.

PREVIOUS to the year 1843, the seat of government of the State had not been definitely fixed. The Territorial Assembly met in Knoxville, in 1794-95; also the Constitutional Convention in 1796. In 1807 the Legislature convened on September 21, at Kingston, but two days later adjourned to Knoxville. Nashville was the place of meeting in 1812, 1813, 1815; Knoxville again in 1817; then Murfreesboro, from 1819 to 1825, inclusive. The session of 1826 was held in Nashville, as have been all succeeding ones. Section 2 of the schedule to the constitution of 1834 declared that the seat of government should be determined upon within the first week after the commencement of the session of the General Assembly in 1843. That body convened on Monday, October 1, of that year, and the first subject to engage its attention was the location of the capital. Almost every town in the State, having any pretension at all to eligibility or convenience of position, had its advocates. Thus the following places were successively voted upon: Woodbury, McMinnville, Franklin, Murfreesboro, Kingston, Lebanon, Columbia, Sparta, Gallatin, Clarksville, Shelbyville, Harrison, Chattanooga, Cleveland, Athens, Knoxville and Nashville. On Thursday, October 4, the Senate voted to locate the seat of government at Kingston, Roane County, and the House at Murfreesboro. But finally, on the Saturday following, Nashville was agreed upon by both houses, and became the capital of the State. This result is mainly attributable to the liberality of the town selected, the corporation having purchased Campbell's Hill, at a cost of \$30,000 and donated it to the State as a site for the capitol building. An interesting anecdote is told in connection with this property. Many years previous, Judge Campbell had sold a cow and calf to a neighbor, who, subsequently determining to remove from the country, notified his cred-

itor that a rifle and Cedar Hill was all he had to give for the debt. The Judge accepted them, thinking that the sum he might be able to sell the gun for would be all that he would realize for the cow and calf; besides the four acres, which he sold to the city, he disposed of several lots to individuals, and retained the one upon which his residence was built, opposite the south front of the capitol.*

Previous to this time the meetings of the Legislature, in Nashville had been held in the Davidson County Court House, but the building had become too small for the constantly increasing membership of that body, and the building of a capitol was a necessity. Now that the seat of government had become fixed, no obstacle lay in the way of beginning the work, and on January 30, 1844, an act was passed making the first appropriation for that purpose, \$10,000. Gov. William Carroll, William Nichol, John M. Bass, Samuel D. Morgan, James Erwin and Morgan W. Brown were appointed commissioners, to whom were added, May 14, 1844, James Woods, Joseph T. Elliston and Allen A. Hall. John M. Bass was appointed chairman March 31, 1848, and held the position until March 31, 1854, when Samuel D. Morgan was appointed. April 20, 1854, John Campbell, John S. Young and Jacob McGavock were appointed commissioners by Gov. Andrew Johnson. By act of February 28, 1854, R. J. Meigs and James P. Clark were appointed commissioners, and John D. Winston was appointed by the governor. The following governors of the State were *ex-officio* commissioners: James C. Jones, Aaron V. Brown, Neill S. Brown, William Trousdale, William B. Campbell, Andrew Johnson and Isham G. Harris. Clearing of the ground for the site was begun about January 1, 1845; foundations were dug and nearly finished by the 4th of July, on which day the corner-stone was laid in the southeast corner of the building with imposing ceremonies. An eloquent oration was delivered on the occasion by the Hon. Edwin H. Ewing.

On the 20th of May previous William Strickland, the designer of many of the finest public buildings in Philadelphia, was appointed architect, and from this time the building was carried on regularly and steadily without error or interruption till the time of his death, April 7, 1854. His funeral ceremonies were conducted in Representative Hall, and he was entombed in a recess, which he had prepared about a year before, in the wall of the north basement portico. After the death of Mr. Strickland the work was for several years carried on by his son, W. F. Strickland. The last stone of the tower was laid July 21, 1855, and the last stone of the lower terrace March 19, 1859. This completed the

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stone work. The building was first occupied by the Legislature October 3, 1853. For several years the greater portion of the efficient convict labor was employed in quarrying the stone for the capitol, and after its completion the same kind of labor was used in improving the grounds. The entire cost to the State of the building and grounds up to 1859 amounted to \$900,500. The \$30,000 paid for the site by the city, added to the amount expended in completing the grounds, makes a total cost of something over \$1,000,000. The following description of the building is taken from the architect's report and other sources:

"The State-house is parallelogram in form, 112x239 feet, with an elevation of 64 feet 8 inches above an elevated terrace walk which surrounds it, or 74 feet 8 inches above the ground. Rising through the center of the roof is the tower, 36 feet square and 80 feet high. The main idea of the elevation of the building is that of a Greek Ionic temple erected upon a rustic basement, which in turn appears to rest upon a terraced pavement. The building has four fronts, each graced with a noble portico. The end porticoes, north and south, are each composed of eight magnificent Ionic columns; the side porticoes, east and west, are composed each of six columns. These columns, twenty-eight in all, are each 4 feet in diameter, 33 feet high, and rest upon the entablature of the basement. This entablature is supported by a rusticated pier, rising through the basement story under each column of the portico above. The end porticoes are capped by an entablature, which is continued around the building, and above which is a heavy pediment. The side porticoes are capped by the entablature and double blocking courses. The building inside is divided into three stories: the crypt, or cellar; the basement, or first floor; and the main or second floor. The crypt is used for the State arsenal and for furnaces, etc.

"The basement story is intersected by longitudinal and transverse halls of wide dimensions, to the right and left of which large and commodious rooms are appropriated to the use of the governor, the comptroller, the treasurer, the secretary of state, register of lands, superintendent of weights and measures and keeper of public arms, superintendent of public instruction, and the commissioner of agriculture, statistics and mines. There is also an archive room, which is 34 feet square, and a supreme court room, which is 35x52 feet, 8 inches. From the great central hall the principal story is approached by a double flight of stairs, the hand-railing of which is of East Tennessee marble. The longitudinal hall of this floor is 128 feet 2 inches long by 24 feet 2 inches wide, while the dimensions of the transverse hall are the same as that of the basement. This story is divided into three apartments: representa-

tive hall, the senate chamber and the library. The main floor of representative hall, 61x97 feet, is flanked on the east and west sides by eight committee rooms, 16 feet 8 inches square. Above these rooms are the public galleries, each of which is fronted by eight columns of the Roman Ionic order, 2 feet 8 inches in diameter, and 21 feet 10 inches high. The shaft of each column is of one block of stone surmounted by exceedingly graceful and elaborate capitals, the device of the architect. The speaker's stand and screen wall are composed of red, white and black Tennessee marble. The chandelier is one of the largest and most elaborate in the country. It possesses the merit of being original in style and novel in design, though it is not graceful nor altogether pleasing to the eye. The senate chamber is of an oblong shape from 35 to 70 feet, having pilasters of the Ionic order with a full entablature, and is surrounded on three sides by a gallery 10 feet 9 inches wide supported by twelve columns of variegated East Tennessee marble. This room also has a chandelier, similar in design to that of the representative hall, though smaller and of better proportions. Immediately opposite the senate chamber are the rooms containing the state library. The main room is 35 feet square, with two smaller rooms on each side. From the main room a spiral stairway of iron leads to the two galleries above, the lower one of which extends entirely around the room, and the upper one on two sides.

"Above the center of the building through the roof rises the tower supported by four massive piers 10 or 12 feet built from the ground. The design of the tower, which is one of the finest features of the entire structure, is a modified reproduction of the "Choragic Monument of Lysicrates," or, as it is sometimes called, the "Lantern of Demosthenes." The tower is composed of a square rustic base, 36 feet square and 42 feet high, with a window in each front. Above this the lantern or round part of the tower rises 26 feet 8 inches in diameter by 37 feet high. It consists of a circular cell with eight beautiful three-quarters fluted Corinthian columns attached around its outer circumference with alternate blank and pierced windows between each two columns in each of the two stories of the cell. The columns have each a very elaborate and beautifully wrought capital of the purest Corinthian style, and above all a heavy entablature. The column shafts are 2 feet 6 inches in diameter by 27 feet 8 inches high, and capital 4 feet high. The roof and iron finial ornament are together 34 feet high above the last stone of the tower, making the whole height of the edifice above the ground 206 feet 7 inches, or over 400 feet above low water mark in the Cumberland River.

"The roof of the building is constructed of rafters composed of wrought iron ties and braces, trussed in sections, and joined together by cast iron plates and knees. The greatest span of these rafters is over Representative Hall, a distance of sixty-five feet. The whole is sheathed and covered with copper. The walls of the building for the foundation are 7 feet thick; those of the superstructure 4 feet and 6 inches. All of the inside walls are laid with rubble stone; the terraces, pavements and the round part of the tower, chiseled; the outer walls of the first story and the square part of the tower, rusticated work and tooled. The material of the building is of a stratified fossiliferous limestone of slightly bluish-gray tint with cloud-like markings. It was procured within half a mile west of the building in a quarry opened by the State on the grounds of Samuel Watkins. Stones have been quarried from this place, weighing in their rough state, fifteen or twenty tons, and thirty and more feet long. One of the terrace stones of the building is 8 feet 3 inches by 14 feet, and the cap stones of the terrace buttresses are 5 feet 10 inches by 15 feet 11 inches, the heaviest weighing probably eight or ten tons. The stone may be considered both as to durability and beauty of appearance when worked well, equal to any building stone in the country. Nearly all the materials, in addition to the stone, used in the construction of the building, were produced in Tennessee, and the work was mainly done by Tennessee workmen—a magnificent monument to the mechanical skill and the resources of the State."

One of the most interesting objects to be seen upon Capitol Hill is the magnificent equestrian statue of Gen. Jackson. So long ago as the session of the General Assembly* of 1845-46, the idea was conceived of erecting at the capitol in Nashville a statue in honor of Gen. Andrew Jackson, whose death took place June 8, 1845; and an act was passed the 2d of February, 1846, appropriating the sum of \$7,500, "when a sufficient sum shall be subscribed by the people in connection therewith to complete said monument." Commissioners were appointed in the sixth section of said act to receive any voluntary contributions, control the disbursements of all funds, contract with an American sculptor or artist, and superintend the erection of said statue. For various reasons no further action was taken in the matter for many years though, it was by no means forgotten. Early in the month of January, 1879, Gen. Marcus J. Wright, of Washington City, addressed a letter to the vice-president of the Tennessee Historical Society, suggesting that Clark Mill's equestrian statue of Gen. Jackson was on sale, expressing the hope that Tennessee could be induced to make the purchase and tendering his services

*Report of the Legislative Committee of the Jackson Statue.



EQUESTRIAN STATUE OF GEN. JACKSON, AT NASHVILLE.

Photo by Thuss, Kosslein & Giers.

to aid in the negotiation. A correspondence ensued between Gen. Wright and the vice-president, and then papers, with a letter from Mills stipulating the price, were laid before the society. There was a discussion of plans for obtaining the requisite funds to make the purchase, but nothing definite was agreed upon and the vice-president was instructed to communicate for the society with Gen. Wright and also to confer with the governor of the State as to the policy of applying to the General Assembly for an appropriation. After due deliberation, the time was not deemed opportune to invoke the assistance of the State, and the society did not care to have any future prospect clouded by a denial of favorable legislation. At a meeting held July 1, 1879, the subject was again brought up. Various plans for raising the money were proposed, none of which, however, commanded that assurance of success which warranted immediate action, and the measure was indefinitely postponed. At a subsequent meeting of the society and of the citizens of Nashville to make arrangements for the centennial anniversary to be celebrated in 1880, an enthusiasm was aroused which spread through the entire community. There was a pause in the pursuit of individual interests and the moment given to an unselfish and patriotic inspiration. Memories of the past seem to rise spontaneously in the public mind, and it doubtless occurred to more than one that the conjuncture of circumstances was favorable for the acquisition of the Jackson statue. Such a thought did certainly occur to a venerable and patriotic citizen of Nashville, Maj. John L. Brown, who, early after the meeting in December, expressed his intention to try to raise, by voluntary subscriptions, the money necessary for the purchase.

He wrote to Senator Harris and Maj. Blair, of Washington City, to make inquiry as to the cost of the statue, which was found to be \$5,000. Several letters written by Col. Bullock on the subject of the purchase were published, and gave renewed impetus to the movement. Maj. Brown, continuing his efforts, secured the appointment of the president and secretary of the Historical Society with himself as "a committee for the purchasing of the statue for the State of Tennessee." Every means and appliance was used to further the enterprise, and by the 18th of March, 1880, the list of subscribers had so increased that success being in sight the Centennial board of directors incorporated a committee of seven members, to be known as the committee for the purchase and dedication of the equestrian statue of Gen. Jackson, of which Gen. G. B. Thurston became chairman. The subscription soon aggregated an amount near or quite \$5,000, which justified the consummation of the purchase.

On the 20th of May, 1880, in the presence of a vast assemblage of people, the statue was unveiled with appropriate and impressive ceremonies. Hon. John F. House was the orator of the day, an original ode written by Rev. F. W. E. Paschau was sung, prayer was offered by Rev. T. A. Hoyt, and a prize poem, by Mrs. Bowser, was read by Dr. G. S. Blackie. A grand military procession paraded the street, in which several United States officers, including Gen. Buell, Gen. Pennypacker and others, together with Gen. Joseph E. Johnston, Gen. Cheatham and others of the old Confederate Army, participated. Clark Mills, the sculptor, was an invited guest, and in speaking of the statue stated that it is a triplicate of the one standing in front of the President's house in Washington, which was not only the first equestrian statue ever self-poised on the hind feet, but was also the first ever modeled and cast in the United States. "The incident selected for representation in this statue occurred at the battle of New Orleans, on the 8th of January, 1815. The commander-in-chief has advanced to the center of the lines in the act of review. The lines have come to present arms as a salute to their commander, who acknowledges it by raising his *chapeau* four inches from his head according to the military etiquette of that period. But his restive horse, anticipating the next evolution, rears and attempts to dash down the line, while his open mouth and curved neck show that he is being controlled by the hand of his noble rider." The statue was first placed on a temporary pedestal of wood, fronting northward, with the head of the horse turned toward the Capitol. April 6, 1881, an appropriation of \$2,000 was made for the purpose of placing a marble or granite base under the statue, which was accordingly done about three years later.

For some years previous to 1854 the State Library consisted entirely of donations from the General Government and from other States of the Union, and of the State's own publications. Counting a large number of duplicates, there were about 10,000 volumes, but only about 1,500 or 2,000 separate works. The books were kept in a room which was devoted to that purpose, in the Davidson County Court House, and which formed a kind of passage-way or ante-room to the governor and secretary of states' office, and the Representative Chamber.* It was consequently open all day, and even at night. On account of this negligence a large number of the law reports of the various States were misplaced, lost or stolen. In 1853, when the Legislature first met in the Capitol, the books were removed to that place, and by an act of January 20, 1854, the secretary of State was constituted *ex officio* librarian, with instructions to keep the library open at least one day in the week.

*The Legislature then met in the Court House.

By the active endeavors of a few enlightened men who knew the great need of a State Library, the Legislature was induced to insert two sections referring to the library into the general appropriation bill of 1854. It appropriated \$5,000 to purchase a library, and R. J. Meigs was appointed a commissioner to procure books. A very excellent selection of books was made, and they were placed in the north ante-room of the library, the larger room not having been fitted up at that time.

March 1, 1856, \$500 per annum was appropriated to make additions to the library, and R. J. Meigs was appointed librarian at a salary of \$500. With the exception of the years from 1861 to 1868, from that time until 1879 annual appropriations varying from \$500 to \$2,500 were made for the purchase of additional books. Since 1871, however, no new books have been added, except those obtained by exchange with other States. The library now contains about 35,000 volumes of well-selected standard works, but in recent literature it is very deficient.

For the past eight years this institution has been under the management of Mrs. S. K. Hatton, and her daughter, Miss Emma Hatton, the assistant librarian, and too much praise can not be accorded them for the fidelity and courtesy with which they have discharged their duties.

The Tennessee Deaf and Dumb School owes its origin to the benevolent impulses and the prompt and persistent action of Gen. John Cocke, of Grainger County, while a member of the senatorial branch of the General Assembly. On December 20, 1843, a bill providing for the establishment in Nashville of an institution for the blind, being on its third reading before the Senate, Gen. Cocke moved to amend by the addition of a section providing for the appropriation of \$2,000 for putting into operation at Knoxville, a deaf and dumb school. After the substitution of \$1,000 for \$2,000 the amendment was adopted, and then the entire bill was rejected by a vote of eleven to thirteen. On the following day the vote was reconsidered, and other amendments were adopted. The vote on Gen. Cocke's amendment was reconsidered by a majority of three, but it was again adopted by a majority of one, and the bill was finally passed in the Senate December 21, 1843. The bill then went to the House, where on its third reading it was rejected by a majority of three, but the vote was subsequently reconsidered, and the bill in the form in which it had left the Senate was passed January 29, 1844. The governor appointed, to constitute the first board of trustees, Messrs. R. B. McMullen, Joseph Estabrook and D. R. McAnally, who met at Knoxville, July 27, 1844, and organized by electing Mr. McMullen, president, and Mr. McAnally, secretary.

These gentlemen immediately went to work with characteristic zeal,

opening correspondence with officers of similar institutions in other States, obtaining information as to the number and situation of the deaf mutes in this State, selecting a suitable building in which to open the school, and securing the services of a competent instructor for the pupils. Rev. Thomas McIntire, a former teacher in the Ohio Deaf and Dumb School, was made the first principal, and under his charge the exercises of the school were begun in what was known as the Churchwell House, in East Knoxville, in June, 1845. By an act passed January 31, 1846, the General Assembly recognized the existence of the institution, incorporated it, made better provision for its support, and added Messrs. T. Sul-lins, J. H. Cowan and Campbell Wallace to its board of trustees.

It now became a leading object of the board to procure means for the erection of more appropriate buildings for the purposes of the school, and measures tending to that end were promptly undertaken and vigorously prosecuted. The board issued circular letters to the benevolent throughout the State, applied to Congress for a donation of public lands, established several local agencies, and fortunately placed in the position of manager of a general soliciting and collecting agency,* Col. John M. Davis, of Knox County. These efforts met with gratifying success, and over \$4,000 was contributed by individuals. This sum, supplemented by appropriations made by the Legislature, enabled the trustees to erect a large and commodious building, at a cost of about \$20,000. As originally built it consisted of a main building 25x79 feet and three stories high, with two wings of the same size as the main building, altogether forming a main front to the south of 100 feet, and east and west front of 129 feet each. The grounds belonging to the institution were obtained at different times by gift and purchase. They now embrace about eight acres lying in a rectangular form, entirely surrounded by streets, and are handsomely improved. The original site, consisting of two acres, was donated by Calvin Morgan, of Knoxville, and the remaining six acres were purchased at a cost of about \$6,000.

After becoming permanently established in the new building the school rapidly increased, both in numbers and efficiency. During the first session the number of pupils in attendance was nine, while in 1857 the number had increased to eighty. In the year 1861 the school was among the largest institutions of the kind in the country, and received a liberal support from the State. The whole building had been refurnished in a creditable manner, and the grounds were highly ornamented. But the war came. The school was disbanded, and the buildings were taken possession of by the military authorities, and were used by the con-

*Compiled from a report by Thomas L. Moses.

tending armies in turn for hospital purposes. In 1866 the buildings were turned over to the trustees in a badly damaged condition, and after some repairs had been made the school was again opened December 3 of that year. Owing to the financial embarrassment of the State the appropriations to the institution for some time were scarcely adequate to supply its wants, and it required the exercise of the strictest economy on the part of its management to maintain the school. In 1873, however, the appropriation of \$10,000 placed it upon a firm financial basis, and since that time it has been in a most prosperous condition. A few years ago a new chapel was erected and other improvements made, so that at present the institution can comfortably accommodate 125 pupils.

In the fall of 1881 a school for colored mutes was opened in a rented house in East Knoxville, about one mile from the main building. The school numbered ten pupils, and was taught by Matt R. Mann, the present teacher, and a former pupil of the institution. Two years later a substantial brick building, with twenty-seven acres of land, situated about a mile east of the town, was rented for the use of the school. The number of pupils in this department in 1884 was seventeen. The white pupils for the same time numbered about 100. On December 24, 1882, Mr. J. H. Ijams, who had been principal of the school for sixteen years, died, and Thomas L. Moses was elected to fill the vacancy, which position he still holds. This noble charity is well managed, and too much praise cannot be awarded to the patient, conscientious teachers, who have dedicated their lives to the work of educating these unfortunate children.

The first school for the education of the blind in America was opened in Boston 1832. So favorable were the results obtained, that the subject was agitated throughout the country, and within the next twenty years nearly every State had made some provision for the education of her sightless children. In 1843 an exhibition was given in one of the churches of Nashville, showing the ability of the blind to read by the sense of touch. A good audience was assembled, to a majority of whom, the method of reading by the fingers was something new and surprising. An enthusiastic interest was awakened. The Legislature was petitioned for aid to establish a school, and \$1,500 was appropriated by that body annually for two years. With this sum, increased by private subscriptions, a house was rented and furnished and the school opened. Mr. James Champlin, who had given the exhibition, was selected as the first teacher. He proved to be incompetent, and in a few months thereafter W. H. Churchman was elected principal. The pupils then numbered about fifteen.

In 1846 a charter nominating J. T. Edgar, R. B. C. Howell, J. T.

Wheat and A. L. P. Green, as a board of trustees, was granted to the school, and the annual appropriations for the next two years was increased to \$2,500. The household and domestic department was placed under the control of Mrs. John Bell, Mrs. William H. Morgan, Mrs. Matthew Watson and Mrs. Joseph H. Marshall, all of whom had taken a deep interest in the institution from the first. After serving as principal of the school less than two years, Mr. Churchman resigned the position to enter upon a broader field of labor in Indiana, and Mr. E. W. Whelan, of Philadelphia, was elected to take his place, which he retained until May, 1849, when he was succeeded by Jacob Berry, also of Philadelphia. In little more than a month Mr. Berry died of cholera, also the matron, steward, and several of the most promising pupils. Mr. Whelan volunteered in the midst of suffering and death to take charge of the school temporarily. His offer was accepted, and after holding the position a short time he was succeeded by Mr. Fortescue, who resigned in about two months. These frequent changes in the management of the school and still more the fatal visitation of cholera within the household, hindered its growth and retarded the improvement of the pupils.

In November, 1850, J. M. Sturtevant was engaged to superintend the school. He took charge of it the following January, and for many years very acceptably performed the duties of the office. In 1852 a lot was purchased from the University of Nashville, and an appropriation was made for the erection of a building upon it. By the following January a house sufficiently spacious to meet the requirements of the school was completed. Additions were afterward made, and the grounds gradually improved until June, 1861, the whole cost of buildings and grounds having been, up to that time, about \$25,000. In November of that year the building was demanded for the accommodation of the sick and wounded Confederates. The trustees refused to give it up, and on the 18th of the month the inmates "were summarily ejected." The pupils who had no homes were distributed to private residences, and the furniture was stored away.

After the Federals took possession of Nashville, in February, 1862, they continued to use it as a hospital until November, when by order of J. St. Clair Morton, Chief Engineer of the Army of the Ohio, the building, together with all surrounding improvements, was entirely destroyed. At the close of the war a few of the pupils were collected and the school was reorganized. In October, 1872, Hon. John M. Lea, for \$15,000, purchased the Claiborne residence with about seven acres of land, for the purpose of donating it to the Tennessee School for the Blind, to which it was conveyed immediately after the purchase. The Legislature of 1873

acknowledged the excellence of the location and the munificence of the gift by appropriating \$40,000 for the erection of a building "commensurate with the wants of a first-class institution." A competent architect was employed, and it was decided to erect a wing on both the north and south sides of the mansion, giving when completed, an entire front of 205 feet. To do this required additional appropriations. The next General Assembly added \$30,000 and the Legislature of 1879 set apart \$34,000 for the use of the school, a portion of which, it was provided, might be expended in improvements upon the building. About three years ago provision was made for the admission of colored pupils, and a separate department was established for them.

Although there are many larger institutions of the kind in this country, with more costly buildings and grounds, yet in excellence of management and thoroughness of results, it is unexcelled.

In addition to a literary education the boys are taught some simple mechanical trade, and the girls are instructed in sewing, and bead and other ornamental work. Much attention is also given to music, some of the graduates of that department having become excellent teachers. The school is now under the superintendency of Prof. L. A. Bigelow, and in December, 1884, had an enrollment of sixty-nine pupils, eight of whom were colored.

October 19, 1832, the Legislature passed an act to establish a lunatic hospital in this State, to be located in Davidson County, near Nashville. Francis Porterfield, Joseph Woods, Henry R. W. Hill, James Roane, Felix Robertson and Samuel Hogg were appointed commissioners to purchase a site and to erect a building, for which purpose \$10,000 were appropriated. A small tract of land, about one mile from the city, was obtained, and the erection of the building begun. From some cause the work progressed very slowly, and the asylum was not ready for occupancy until 1840. Three years later there were only thirteen patients in the institution, which up to that time had cost the State over \$56,000.

In 1847 the well-known philanthropist, Miss D. L. Dix, visited Tennessee, and finding the accommodations for the insane inadequate, memorialized the Legislature, and aroused the representatives of the people to take action upon the subject. It was decided to dispose of the old hospital and grounds and to erect new buildings on some more favorable site. The old grounds were too small, the water supply insufficient, the location unhealthy, and the arrangement of the building itself not good.

By authority of the legislative act the governor appointed nine commissioners to purchase a new site. They selected a large farm about six miles from Nashville, on the Murfreesboro pike, one of the healthiest

localities in the State. Dr. John S. Young was employed as superintendent and A. Heiman as architect of the building to be erected. Before entering upon their work they visited various asylums in the North and East for the purpose of perfecting their plans. Butler Asylum, of Providence, R. I., was finally chosen as a model, with a slight change in the architecture.

In 1849, with an appropriation of \$75,000, the work of erection began, and in April, 1852, the patients were removed from the old hospital. Two years later two large wings were added, making the whole building capable of accommodating 250 patients. During the entire process of erection Miss Dix, who has made a study of buildings of this character, lent her aid and assistance, and so highly was this appreciated that a room was especially fitted up for her to occupy whenever she chose to visit the institution.* The Tennessee Hospital for the Insane is of the castellated style of architecture, with twenty-four octagonal towers of proportionate dimensions, placed on the corners of the main building and its wings, while from the center of the main building rises a larger octagonal tower, twenty-five feet above the roof, and sixteen feet in diameter. A range of battlements from tower to tower surrounds the whole edifice, following the angles of the several projections, giving a fine relief to it from any point of view. The extreme length of the main building and its wings from east to west is 405 feet and 210 feet from north to south. There are two airing courts in this area, each about 150 feet square. The height of the main building from the ground to the top of the main tower is eighty-five feet. The center, right and left of the main building are four stories high without the basement; the intervening ranges and the wings are three stories high. Its interior arrangement and structure are in accordance with the most approved plans. In all the minutiae of detail, the comfort, convenience and health of the patients have been very carefully studied. The ventilation of the building is a decided feature in its construction. It is carried on by means of a centrifugal fan seventeen feet in diameter, driven by a steam-engine. The air is conducted through subterranean passages to the central chambers in the basement, and thence through the steam-pipe chambers into vertical flues passing through the entire building. The quantity of air discharged may be carried up to 70,000 cubic feet per minute to each occupant. Thus a constant supply of pure fresh air may be kept up during the most oppressive weather. The means of heating the building are no less complete. The series of vertical flues before alluded to are constructed in the longitudinal walls of the halls, starting from a coil

*History of Davidson County and the Architect's Report.

of pipe or hot-air chambers in the basement story, from the halls and rooms of the different stories near the floor. By this arrangement the air supply is constant without reference to any external condition of weather or temperature. Water is pumped by the engine from a reservoir to a tank in the center of the building, and from thence distributed by pipes to other parts of the institution. Soon after the war suitable quarters removed from the main building were erected by the State, at a cost of about \$25,000, for the accommodation of the colored insane. The grounds now include 480 acres, and the entire property is valued at about \$400,000.

This admirably managed charity has been under the superintendency of Dr. John H. Callender for several years, and has accomplished a vast amount of good in extending the most helpful and tender ministrations to the suffering insane. In December, 1884, the whole number of patients in the institution was 412, of whom a few were colored. The annual cost per patient for the two years previous was \$178.68. In 1883 the superintendent, as he had done in many previous reports, urged upon the Legislature the necessity of providing more accommodations for the insane of the State. At that session \$80,000 was appropriated for the East Tennessee Insane Asylum, to be erected near Knoxville upon the property known as Lyon's View, which the State had purchased for that purpose some time before. Agreeably to the provision of the act making the appropriation the governor appointed R. H. Armstrong, J. C. Flanders and Columbus Powell, all of Knoxville, to constitute a board of directors, who promptly organized and elected W. H. Cusack, of Nashville, architect, and Dr. Michael Campbell, of Nashville, superintending physician of construction. The board of directors, with the superintending physician and architect, after visiting some of the most famous asylums in the country, adopted a plan embracing the latest improvements, both sanitary and architectural. The asylum consists of nine buildings, including an administration building, chapel, kitchen, laundry, boiler-house and engine-house. The main front is 472 feet long. The wards consist of 174 rooms that will accommodate from 250 to 300 patients. In 1885 the original appropriation had been exhausted, and an additional sum of \$95,000 was granted by the Legislature for the completion of the buildings. The asylum was ready for occupancy March 1, 1886, and a transfer of the patients belonging to East Tennessee was made. No more beautiful and desirable spot could have been chosen for an insane asylum than Lyon's View. Within four miles of the city of Knoxville, high in elevation, commanding a full view of the river and the adjacent heights with their attractive scenery, the location possesses in itself all the

requirements that could possibly be desired in an institution designed for the comfort, care and cure of the unfortunate insane.* The asylum itself is one of the most stately and best equipped in the country, and stands an honorable monument to the munificent charity of Tennessee.

Even with these two large asylums it was found that not all of this unfortunate class, who are peculiarly the wards of the State, could be accommodated, and an appropriation of \$85,000 was made for the erection of a similar institution in West Tennessee. John M. Lea, John H. Callendar and W. P. Jones were appointed commissioners to select a site and superintend the construction of the buildings. These commissioners, after spending several weeks in visiting and carefully examining several places, selected a point between three and four miles northwest of Bolivar, in Hardeman County. The structure will be of brick with white stone trimmings. Its length will be 750 feet, with a depth of 40 feet. The central or main portion of the building will be five stories high, and will be occupied by the offices and domestic apartments of the officers. On either side of the main building are to be two sections four stories high, separated from each other by fire-proof walls. Between the tiers of rooms will be large corridors, and above each corridor lofty flues, all so arranged as to secure perfect ventilation and sufficient light. The building will cost over \$200,000, without the furnishing, and will accommodate 250 patients.

Previous to the adoption of the penitentiary system, the severity of the penal laws of the State tended rather to increase than to decrease the number of crimes committed. As the means of punishment were limited to the whipping-post, stocks, pillory, county jail, the branding-iron and the gallows, the penalties were either lighter than could prove effective, or else in severity out of all proportion to the offense committed. In either case the result was the same, the severe penalty frequently preventing conviction. The penalty, as expressed in the following act passed October 23, 1799, is an example of the punishments inflicted for crimes of that character:

Be it enacted, "That from and after the passage of this act any person who shall be guilty of feloniously stealing, taking or carrying away any horse, mare or gelding, shall for such offense suffer death without benefit of clergy."

For some years after the organization of the State many of the penal laws remained the same as before its separation from North Carolina. In 1807 an act was passed by the General Assembly fixing a somewhat lighter penalty for several felonies. For grand larceny, arson and malicious prosecution, the penalty for the first offense was the infliction upon the bare back of a number of lashes, not to exceed thirty-nine,

*Gov. Bate.

imprisonment in the county jail for a term not to exceed twelve months, and to "be rendered infamous, according to the laws of the land." For the second offense, the penalty was death. The penalties for forgery and perjury were even more severe. In the earlier days of civilization such punishments would have been deemed mild, but at the time in which these laws were passed, the growth of humanizing influences rendered their cruelty apparent, and not infrequently the culprit escaped conviction more on account of the sympathy of the judge and jury than from a lack of sufficient evidence against him. This fact was recognized, and the successive governors in nearly every message urged upon the General Assembly the necessity of establishing a penitentiary. In 1813 an act was passed requiring the clerk of each county court to keep a subscription list for the purpose of permitting persons "to subscribe any amount they may think proper for erecting a penitentiary." This plan of raising money for that purpose was not a success, as four years later the total sum subscribed amounted to only \$2,173.40, a great part of which the committee appointed to investigate the matter thought could not be collected. In 1819 Gov. McMinn again brought the subject before the Legislature. In his message he says: "Notwithstanding some fruitless attempts have been made toward establishing a penitentiary in this State, yet I think it my duty to bring the subject before you, and with an earnest hope that in your wisdom and in your love of humanity and justice you will lend your aid in commencing a work which will do lasting honor to its founders." Nothing more, however, was done until October 28, 1829, when the act providing for the building of the penitentiary became a law. The ground selected for the site of the institution contains about ten acres, and is situated about one mile southwest of the court house in Nashville. Contracts for the building were let in April, 1830, and work was immediately begun, under the supervision of the architect, David Morrison. The rock used in its construction was quarried upon the ground, and so vigorously was the work prosecuted that a proclamation was issued by the governor January 1, 1831, announcing the penitentiary open to receive prisoners. At the same time the revised penal code went into effect. The following description of the building as it originally appeared is taken from a Nashville paper issued December 7, 1830: "The principal front of the building presents a southern exposure, is 310 feet long, and consists of a center and two wings. The former, slightly projecting, is composed of brick embellished with cut stone dressing, 120 feet long, 32 feet wide, and three stories high. It contains the warden and keeper's apartments, two infirmaries, an apartment for confining female convicts, and sundry other

rooms for the use of the establishment. In surveying the front of the center building, the most conspicuous feature that strikes the eye is a large gateway in the center 23 feet high, 14 feet wide, the piers and arch being formed of large blocks of well-polished white stone, and filled by a massive wrought iron port-cullis weighing nearly a ton. The wings are constructed of large blocks of well-dressed lime stone, the wall being 4 feet thick and 33 feet high, pierced with narrow, grated windows corresponding in height with those of the center. On the center of the building, and immediately over the gateway above described, rises a splendid Doric cupola that accords with the noble proportions of the whole. In the rear of the building a wall 30 feet high incloses an area of 310 square feet. At each angle of the wall is a tower for the purpose of viewing the establishment." The entire cost of the building was about \$50,000. In 1857 the west wing was added at a cost of \$36,000, and in 1867 two large workshops, known respectively as the east and west shops, were built. The first prisoner received into the institution was W. G. Cook, from Madison County. It is stated that he was a tailor, and was convicted of malicious stabbing and assault and battery. He stabbed a man with his shears, and assaulted him with his goose.* He was made to cut and make his own suit, the first work done in the penitentiary. In June, 1833, the cholera began its ravages among the inmates. Its progress was so rapid that in a few days business was entirely suspended, and an extra force of nurses and physicians was employed. Out of eighty-three convicts not one escaped the disease, and nineteen of the number died. The following year the disease again broke out, but was not so destructive in its results as before.

While the number of prisoners was small, they were employed by the State under the supervision of appointed officers, in the manufacture of various articles of trade. In 1833 they were classified under the following departments: shoe-makers, coopers, stone-cutters, tailors, chair-makers, hatters, blacksmiths, wagon-makers, carpenters and brick-layers. Other departments were afterward added and some of the above dropped. the aim of the State being to employ as far as possible the convicts upon such work as would come into the least competition with private manufacturers.

This system was employed with more or less success until 1866, when the inspectors reported that for the previous thirty-three years the institution had cost the State an average of \$15,000 per year. The Legislature at that session passed an act establishing a board of three directors, who were authorized to lease the prison, machinery and convicts to the high-

*Warden's Report, 1834.

est bidders for a term of four years. The lease was made to the firm of Hyatt, Briggs & Moore, afterward Ward & Briggs, at 40 cents per day for each convict. It was agreed upon the part of the State to provide the necessary guards to preserve discipline. The firm entered upon the fulfillment of the contract. In May, 1867, 300 convicts joined in an attempt to escape, and created great excitement. Quiet was restored without bloodshed, but the mutinous spirit was not quelled, and the following month they succeeded in setting fire to the east shops, which were destroyed.

A difficulty then arose between the State and the lessees. The latter refused to pay for the labor and claimed damages from the State for this failure to preserve discipline and for the losses occasioned by the fire. The lease was terminated by mutual agreement July 1, 1869, and the matter compromised by the State paying the lessees \$132,200.64 for the material on hand, and in settlement of the damages claimed by them. In December, 1871, provision was again made for leasing the prisoners and shops. The contract was taken by W. H. Cherry, Thomas O'Connor, A. N. Shook and Gen. W. T. C. Humes, under the firm style of Cherry, O'Connor & Co. The second lease was taken December 1, 1876, by Messrs. Cherry, O'Connor, A. N. Shook and William Morrow, under the old firm name, with M. Allen as superintendent of the works. The lease system has proven highly satisfactory. Instead of requiring almost yearly appropriations for its support, the institution now pays an annual revenue to the State of \$101,000. The present lease, which is for six years, began January 1, 1884, the Tennessee Coal, Iron & Railroad Company being the lessees. The headquarters of this company are at Tracy City, where about one-third of the prisoners are worked in the mines, and where a large and commodious prison has been erected. There are also branch prisons at the Inman mines in Marion County, and Coal Creek in Anderson County. A few prisoners are worked in marble works at Knoxville. About 40 per cent of the entire number are at the main prison, where they are worked under a sub-lease by Cherry, Morrow & Co. The firm is engaged exclusively in the manufacture of wagons. The shops are equipped with all the latest improved machinery, enabling them to turn out about fifty finished wagons per day. In the manufacture of their wagons they begin with the raw material, making their own bent-work, iron-work, castings, thimbles and skeins. Their goods are sold throughout the South and Southwest, and also in several of the Northern and Western States.

Under the present lease system the State is relieved from all expense of transportation and guarding of prisoners. The only officers connected

with the institution who are paid by the State are the warden, superintendent, physician and chaplain.

The number of convicts in the main prison and branches, December 1, 1884, was 1,323; in 1880, the number was 1,241; in 1870, 613; in 1857, 286, and in 1839, 154. During the late war the penitentiary was converted into a military prison, and at one time there were as many as 2,400 inmates. Two fires, the former quite destructive, occurred within the past five years. December 4, 1881, the various workshops and machinery belonging to the State and the lessees, were destroyed by fire, only the main building and cells escaping destruction. At the time over 700 convicts were within the walls, and it became necessary to turn them all out into the space in front of the prison; yet, so well were they managed, that only six escaped. The shops were immediately rebuilt by the State, and the lessees put in new machinery. On January 12, 1884, the east end of the blacksmith shop was discovered to be on fire, and as the second story was used as a paint shop it threatened to prove very destructive. It was, however, soon brought under control. The loss to the State was about \$3,300, which was fully covered by insurance.

*Many years ago a society for the collection and preservation of historical papers, relics, antiquities, etc., existed in Nashville.† It did not accomplish much, but its very organization showed the tendency of the minds in the city noted for scholarly attainments to endeavor to rescue from oblivion the history of a people remarkable for patriotism, chivalry and intelligence. After it had ceased to exist for a considerable time several public-spirited citizens met in the library-rooms of the Merchants' Association, to reorganize an historical society. This was in May, 1849, and the organization was effected by the election of Nathaniel Cross as president; Col. A. W. Putnam, vice-president; William A. Eichbaum, treasurer; J. R. Eakin, corresponding secretary, and W. F. Cooper, recording secretary. This society did not exist many years, but was again brought to life in 1857, and at the May meeting elected the following officers: A. W. Putnam, president; Thomas Washington, vice-president; W. A. Eichbaum, treasurer; R. J. Meigs, Jr., corresponding secretary; Anson Nelson, recording secretary, and John Meigs, librarian. Contributions of valuable manuscripts, newspapers and relics poured in from all parts of the State, as well as a few from other States.

A public anniversary meeting took place on the 1st of May, 1858, in Watkin's Grove. An immense procession of old soldiers of the war of 1812, the Creek war, the Mexican war, the officers and cadets of the Western Military Institute, the Shelby Guards, the Nashville Typo-

*Prepared by Anson Nelson, Esq., recording secretary.

†The Tennessee Antiquarian Society, organized July 1, 1820. Discontinued in August, 1822.

graphical Union, the Philomathean Society, the teachers and pupils of the Nashville Female Academy, the superintendent, teachers and pupils of the public schools of Nashville, citizens on horseback, in carriages and buggies, and citizens on foot marched from the public square to Watkin's Grove, when a collation was served in excellent style to all present. The Hon. James M. Davidson, of Fayetteville, was the orator of the day. Judge T. T. Smiley read an historical account of the services of the Third Tennessee Regiment in the war with Mexico. Gov. William B. Campbell and Rev. Dr. C. D. Elliott delivered eloquent addresses. Bands of music were distributed along the line of the procession, and the whole city made it a holiday occasion to commemorate the organization of the "provisional government" at Robertson's Station, now Nashville. May 1, 1780, and the formation of the society May 1, 1849. At the annual celebration, May 1, 1859, Randal W. McGavock, mayor of Nashville and a grandson of Hon. Felix Grundy, presented a full length portrait of Judge Grundy, painted by Drury. John M. Bright, of Lincoln, delivered an eloquent oration on the life, character and public services of the renowned statesman and jurist. The exercises took place in the hall of the House of Representatives, in the presence of as many people as could obtain admittance.

In September, 1859, a committee, consisting of Hon. Thomas Washington, Col. A. W. Putnam and Rev. Dr. R. B. C. Howell, was appointed to urge the council of the city of Nashville to adopt suitable measures for the removal of the remains of Lieut. Chandler, formerly paymaster in the United States Army, from their place of interment in the Sulphur Spring Bottom, to Mount Olivet Cemetery. The committee accomplished their purpose, and on the 23d of September the remains were exhumed, after having lain in the grave for nearly sixty years. The occasion was marked by appropriate exercises, Hon. E. H. East delivering a patriotic address.

In October, 1859, at the request of the society, Lieut. M. F. Maury, the distinguished scientist, delivered his celebrated lecture on the geography of the sea. In January, 1860, the society received from Egypt the fine Egyptian mummy now in the Capitol, sent by J. G. Harris of the United States Navy. After the meeting in September, 1860, the society ceased active operations until several years after the war. Many articles were lost during the war, but the small collection of coins was preserved intact.

In 1874 the society reorganized by electing the following officers: Dr. J. G. M. Ramsey, president; Dr. R. C. Foster, vice-president; Dr. John H. Currey, treasurer; Gen. G. P. Thurston, corresponding secretary;

Anson Nelson, recording secretary, and Mrs. P. Haskell, librarian. On June 16, of that year, the society held a called session at Knoxville, the home of the President, who presided on that interesting occasion. The Recording Secretary exhibited the original commission of Maj.-Gen. Israel Putnam, on parchment, issued June 19, 1775, signed by John Hancock, President, and Charles Thompson, Secretary of the Continental Congress. The society has also in its possession a vest worn by "Old Put," in the Revolutionary war.

In October, 1874, the society decided to participate in the fourth annual exposition of Nashville, and on the evening of October 6, the anniversary of the battle of King's Mountain, the Rev. T. A. Hoyt delivered an address giving the history of that important battle. The address was also delivered to a large audience in Knoxville. The centennial anniversary of the signing of the Mecklenburg Declaration of Independence, May 20, 1775, was celebrated by the society at the Nashville Fair Grounds, Ex-Gov. Niell S. Brown delivering the oration. At the May meeting in 1875, several delegates were appointed to attend the centennial of the Mecklenburg Declaration of Independence in Charlottesville, N. C., only one of whom attended—Hugh L. Davidson, of Shelbyville. At the annual meeting in May, 1876, John M. Lea was elected vice-president, *vice* R. C. Foster; and J. B. Lindsley, librarian, *vice* Mrs. Haskell. The office of treasurer was attached to that of the recording secretary; the other offices remained the same as before.

The National Centennial was duly celebrated by the society in the hall of the House of Representatives, Dr. John H. Callender, reading the Declaration of Independence. An elegant historical centennial address, written by Dr. Ramsey, president of the society, was read by Rev. T. A. Hoyt. Other exercises appropriate to the occasion were rendered.

In 1878 the society commenced agitating the subject of celebrating the centennial of Nashville, and appointed a committee on that subject, who afterward reported a program for the exercises. Subsequently the idea expanded, and finally the society appointed a committee to wait upon the mayor and urge him to request the city council to call a public meeting to take action in the matter. This was done, and an enthusiastic interest was aroused. Various committees were appointed, an exposition was inaugurated, the orators chosen by the Historical Society were approved, a grand civic procession for the 24th of April provided for, and many other matters arranged to give *eclat* to the occasion. All of this was most successfully carried out, and the most sanguine expectations of the Historical Society were more than realized. On April 11, 1884, Dr. J. G. M. Ramsey, the distinguished president of the society, died at his

home in Knoxville. A delegation of members, numbering eleven, went from Nashville to be present at the funeral obsequies which took place on the 13th, and were attended by a very large number of the citizens of Knoxville and the surrounding country. At the next annual meeting in May Hon. John M. Lea was elected to the office made vacant by the death of Dr. Ramsey,

The society is indebted to the trustees of Watkins' Institute for the use of a large and elegant room in that building, for the exhibition of its books, manuscripts and relics, of which it has a great number.

Among the most interesting relics may be mentioned the musket of Daniel Boone, the veritable "Old Betsey;" the sword of Gov. John Sevier, and one of the pistols presented to him by the State of North Carolina; the sword of Col. Dupuyser, of the British Army, taken from him at the battle of King's Mountain; the red silk sash worn by Gen. Ferguson, when he was killed at King's Mountain; one of the chairs used by Gen. Nathaniel Greene; also one used by President Fillmore; the sword, coat and epaulette of Capt. Samuel Price, worn in the battle of Frenchtown, Raisin River, Mich.; the pitcher used at the treaty of Hopewell; three canes formerly belonging to President Polk, one in the form of a serpent, one bearing the electoral vote cast for him for President, the other a hickory cane from the Hermitage; the first greenback \$5 note issued by the United States; the portfolio used by Henry Clay in the United States Senate; over thirty battle-flags used by Tennessee soldiers in different wars from 1812 to 1865.

Among the manuscripts of the society are an old book in an excellent state of preservation, kept in Nashville by a merchant in 1795; the journals of Gov. William Blount from 1790 to 1796; the proceedings of the courts martial during Jackson's campaign in 1813, kept by Col. William White, acting judge-advocate; journal of Capt. John Donelson and companions while on their voyage from Holston River down the Tennessee, up the Ohio and Cumberland to what is now Nashville in 1779-80.

The society also possesses portraits of Prof. Priestly, Dr. Gerard Troost, Dr. Phillip Lindsley, Hon. Felix Grundy, Dr. J. G. M. Ramsey, Anson Nelson, Dr. Felix Robertson and his parents, Henry Clay, Davy Crockett and many others, besides portraits of all the governors of the State with the exception of two, Roane and McMinn.

Among the old and rare books are a copy of the Polydori Vergil II, in Latin, bound in vellum, printed in 1644; a copy of Cicero's "Discourse on old age," printed by Benjamin Franklin in Philadelphia in 1744; "Dioscoridis Mat. Med." bound in parchment, printed in 1552; copies of the Bible printed in 1678 and 1757, respectively.

The present officers of the society are Hon. John M. Lea, president; Ex-Gov. James D. Porter, first vice-president; Capt. Albert T. McNeal, second vice-president; Joseph S. Carels, treasurer; James A. Cartwright, corresponding secretary; Anson Nelson, recording secretary; Robert T. Quarles, librarian.

The Medical Society of Tennessee* was incorporated by an act of the Legislature, passed January 9, 1830, one hundred and fifty-four physicians from the various counties of the State being named in the charter. Certain powers and privileges were granted, among which was the power to appoint boards of censors, for the three divisions of the State, to grant licenses to applicants to practice medicine within its limits. The first meeting of the society was held in Nashville May 3, 1830, and its organization completed by adopting a constitution, by-laws and a code of medical ethics, and by electing officers for two years. These were James Roane, of Nashville, president; James King, of Knoxville, vice-president; James M. Walker, of Nashville, recording secretary; L. P. Yandell, of Rutherford County, corresponding secretary, and Boyd McNair, of Nashville, treasurer. Prof. Charles Caldwell, of Transylvania University, being in town at the time, was elected an honorary member of the society, and a committee was appointed to extend him an invitation to visit the meeting. The censors appointed for Middle Tennessee were Drs. Douglass, Stith, Hogg and Estill; for East Tennessee, Drs. McKinney and Temple; and for the western division of the State, Drs. Young and Wilson. The code of ethics was the same as that adopted by the Central Medical Society of Georgia in 1828. After adopting a resolution condemning the habitual use of ardent spirits and recommending total abstinence, except when prescribed as a medicine, the society adjourned.

The second assembling of the society took place in Nashville May 2, 1861. Sixty members responded at roll-call, and fifty-four were added during the session, constituting the largest meeting ever held. Dr. John H. Kain, of Shelbyville, the first orator appointed, delivered the anniversary discourse before the society on "Medical Emulation." Dr. Yandell having been called to a professorship in the Transylvania University, resigned his office in the society, and delivered an address which was ordered to be published. He was subsequently elected an honorary member, and though he became a citizen of another State, no one ever served the society more faithfully, or contributed more to advance its interests. A premium of \$50 was offered at this meeting for the best essay on "The use and abuse of calomel," which two years later was awarded to James Overton, M. D. of Nashville. Dr. James G. M.

*Condensed from its history, furnished by Paul F. Eve, M. D., in 1872.

Ramsey, of Knoxville, sent his essay on the topography of East Tennessee, and Dr. Becton read his own on the topography of Rutherford County. This session was one of the most enthusiastic and interesting ever held. By invitation of the governor, the society visited the penitentiary, then just erected. The third convocation of this body took place in Nashville, where it continued to meet until 1851, when it convened at Murfreesboro. Many of these sessions were very interesting, and several valuable contributions were added to medical literature. The limited facilities for travel, however, rendered it impossible for members from distant parts of the State to attend without losing a large amount of time and experiencing considerable inconvenience; consequently the number in attendance was frequently very small.

At the third session a committee was appointed to ask the Legislature to repeal the law making it a penitentiary offense to exhume a human body for the purpose of dissection, but this, as was the case with several other petitions presented by the society, the Legislature refused to grant.

At the meeting in 1843 the society decided to establish a museum at Nashville for the mutual improvement of its members. Subsequently a committee was appointed to solicit from the Legislature a donation for the museum and a library, but the request was not granted. Upon the establishment of the medical department of the University of Nashville the museum was transferred to that institution.

At the session of the society held in Murfreesboro, in 1851, the code of ethics adopted by the American Medical Association in 1847 was substituted for the one heretofore governing this body.

The society met at Murfreesboro again in 1852, but the following year convened at Nashville. The complete catalog of the membership of the society up to that time was 307. In 1857 twenty-five delegates were appointed to the American Medical Association, which assembled in Nashville the following year. The thirty-second annual meeting of the Tennessee Medical Society was held in the Masonic Hall at Murfreesboro April 2, 1861. The attendance was small, only eleven members being present at roll-call. Owing to the unsettled condition of the country no more meetings were held until April 20, 1866, when seven members assembled at Nashville. Dr. Robert Martin was elected president, and Dr. Nichol re-elected vice-president. But little business was transacted, and after the appointment of several committees preparatory to the next meeting, the society adjourned. From that time until the present, meetings have been held annually. In 1871 the society convened at Pulaski; in 1874 at Chattanooga; and in 1878 at Memphis. In 1872 a committee of

nine, three for each grand division of the State, was appointed for the purpose of forming and encouraging local societies. Two years later Drs. J. B. Lindsey, J. J. Abernethy and P. D. Sims were constituted a committee to examine the workings of the various State medical societies and report, at the next annual meeting, such amendments and by-laws as might tend to strengthen the society. This was accordingly done, and at the next meeting the constitution as revised by the committee was adopted after a full and free discussion. Since 1874 delegates have been appointed to each annual meeting of the American Medical Association, and in 1876 Drs. Paul F. Eve, Van S. Lindsley, D. C. Gordon, W. P. Jones, J. H. Van Deman, W. C. Cook, Thomas Menees, F. Bogart, J. B. Buist, S. S. Mayfield, H. J. Warmouth and A. Blitz were appointed delegates to the International Medical Congress.

The forty-seventh annual meeting was held at Knoxville, beginning April 6, 1880. The local attendance was quite large, and a number of delegates from Middle Tennessee were present, but the western division of the State was not so largely represented. Among the notable features of this meeting was the election of the first female doctor to membership, she being regularly delegated from the Knox County Medical Society, of which she was an accepted member. The lady was Mary T. Davis.

In 1881 two meetings were held. At the date of the regular meeting on April 5, the society was convened in the supreme court room of the capitol, and the committee on arrangements reported that acting under the authority of the president, and at the request of a number of physicians of Knoxville, notices of an adjourned meeting had been sent out. Therefore, after having received the governor's signature to the bill, which had just passed the Legislature, requiring the registration of the births, deaths, and marriages* in the State, the society adjourned to meet on May 10, 1881. At that time the continental exposition was in progress, and the meeting was well attended.

The next year the society assembled at Casino Hall, in Memphis, on May 9. The attendance was not large, but the session proved an interesting one. Among its social features was a very pleasant excursion on the steamer "Benner," given by Dr. R. W. Mitchell, of the National Board of Health. The fiftieth annual meeting was held in Nashville, beginning April 10, 1883. One of the pleasing incidents of the session was an address by Gov. Bate. On April 8, 1884, the society again convened at Chattanooga just two years after its former meeting in that city. The session was in every respect one of the most successful ever held. Several amendments to the constitution were adopted, one of which abol-

*This law was repealed by the next Legislature.

ished the boards of censors, and established in lieu a judicial council composed of the ex-presidents of the society. Fifty dollars was appropriated to assist in the erection of a monument to the memory of Dr. J. Marion Sims. The fifty-second annual meeting was held in the hall of Representatives in the State Capitol, April 14 to 16, 1885. Several interesting papers were read, and considerable business of importance was transacted.

The last meeting of the society was held in Memphis, on the first Tuesday in April, 1886. The present officers are Thomas L. Maddin, M. D., of Nashville, president; Drs. S. T. Hardison, J. E. Black and G. W. Drake, vice-presidents, for Middle, West and East Tennessee, respectively; Dr. C. C. Fite, secretary and Dr. Deering J. Roberts, treasurer.

The subject of preventive medicine has been for several years attracting more and greater attention, especially from the occurrence of frequent epidemics throughout the Union. The necessity of some organized and co-operative efforts* on the part of persons clothed with authority to take such steps as may be deemed sufficient to protect the country from the rapid spread of epidemics, became so apparent that many of the States organized State Boards of Health, and such powers were delegated to them as were thought proper to effect the purpose of their creation.

This idea reached material development in this State in 1866, when the first board of health in Tennessee was organized at Nashville. Soon after a similar organization was formed for the city of Memphis, since which time local boards of health have been established in all of the larger towns and most of the smaller ones in the State. All are producing good fruit by developing an intelligent public sentiment and a growing interest in regard to the value and importance of sanitary science as applied not only to communities, but also to individuals, households and persons. In April, 1874, a committee was appointed by the State Medical Society to prepare and to present to the State Legislature at its next session a bill providing for the establishment of a State Board of Health. This bill passed the House but was lost in the Senate. Two years later another bill was presented, which, after much explanation, finally passed with the section of the bill providing for an appropriation of funds stricken out, thus securing the organization simply of the "State Board of Health of the State of Tennessee," without any executive power or means with which to carry out any of the more practical objects for which it was established; consequently they were compelled to

*From the Reports of 1880 and 1884.

content themselves with acting as an advisory body only, notwithstanding the western and southern portions of the State as far east as Chattanooga were, during the summer of 1878, swept by a most disastrous epidemic of yellow fever. They issued advisory circulars through the secular press upon the lesser epidemics, such as scarlet fever and diphtheria, which appeared in different localities through the State, and otherwise gave timely counsel to the people, and created, as opportunity afforded, an interest in the subject of public hygiene. Two years subsequently the Legislature passed an amendatory act, which was approved by the governor, March, 1879, giving the board additional powers and making a small appropriation of money, which enabled them to obtain an office and pay their secretary a salary.

The first meeting of the board was held April 3, 1877, in the office of the Secretary of State, the following members appointed by the governor being present: Drs. J. D. Plunket, T. A. Atchison, James M. Safford, of Middle Tennessee; E. M. Wight, of East Tennessee, and R. B. Maury, of West Tennessee. Dr. J. D. Plunket, to whose exertion the board largely owed its existence, was chosen president, and Dr. J. Berrien Lindsley was appointed secretary *pro tem*. Committees were appointed on vital statistics, hygiene of schools, prisons, geological and topographical features of Tennessee in relation to disease, and epidemic, endemic and contagious diseases.

The first annual meeting of the board was held in Memphis, April, 1878, concurrently with the meeting of the State Medical Society. Little business of importance was transacted. The office of vice-president was created, and Dr. J. M. Safford was elected to that position. Following this meeting came the epidemic of yellow fever of 1878, yet the board was powerless to do aught to stay its dreadful ravages. A reign of terror existed, and, though badly needed, there was no guide, no head of power. The experience of that terrible season taught even the law-makers that a State Board of Health with enlarged powers and increased facilities was a necessity. Therefore March 26, 1879, an amendatory act was passed giving the board power to declare and enforce quarantine, and to prescribe rules and regulations to prevent the introduction of yellow fever and other epidemic diseases. The act also required the governor to appoint two additional members of the board connected with the commerce and transportation of the country, and appropriated \$3,000 to defray expenses. Hon. John Johnson, ex-mayor of Memphis, and Col. E. W. Cole, of Nashville, were chosen as the new members of the board. At the second annual meeting Dr. Lindsley resigned his position as secretary, and Dr. W. M. Clark was elected to fill out the unex-

pired term. In anticipation of the reappearance of the yellow fever in 1879, the board issued 10,000 copies of an address urging the people of the State to organize local boards of health to co-operate with the State Board. In consequence of this action many local boards were formed, and the State Board was thus enabled to carry on, with but little difficulty, its plans for staying the progress of the epidemic which followed. Since that time no widespread epidemic has visited the State, and the work of the board has been directed to the improvement of the sanitary condition of the jails, penitentiaries, etc., the education of the people in sanitary science, and the collection of valuable vital statistics. The board as constituted at the present time is as follows: J. D. Plunket, president; James M. Safford, vice-president; J. B. Lindsley, secretary; G. B. Thornton, P. D. Sims, Daniel F. Wright, David P. Hadden and E. W. Cole.

As early as 1834 or 1835 the Tennessee Agricultural and Horticultural Society was organized, and annual fairs were held for a few years. The officers elected at the meeting held October 13, 1835, were Dr. Philip Lindsley, president; Drs. John Shelby and Felix Robertson, vice-presidents; H. Petway, treasurer, and Joseph T. Dwyer, secretary. In 1840 the society established a paper called the *Tennessee State Agriculturalist*, of which Tolbert Fanning was installed as editor. Drs. Girard Troust and John Shelby were liberal contributors to its columns. In 1842 the Tennessee State Agricultural Society, including members from most of the counties of Middle Tennessee, was incorporated with an authorized capital stock of \$100,000.

December 18, 1851, several of the leading agriculturalists of the State, prominent among whom were Mark R. Cockrill, W. G. Harding, Wilmoughby Williams and Tolbert Fanning, secured the re-incorporation of the society, with authority to organize two auxiliary societies, one for each of the other two divisions of the State. These societies served to create an interest in improved methods of agriculture, and during the session of 1853-54 the subject was presented to the Legislature. The result was the organization of the Tennessee State Agricultural Bureau, consisting of the governor, *ex-officio* president, one member from each grand division of the State, five members from Davidson County, and one member from each of the county societies organized. It was made the duty of the bureau to investigate all such subjects relating to the improvement of agriculture as it might think proper, and to encourage the establishment of county agricultural societies. For the support of the bureau, it was provided that when \$1,000 had been raised by contributions of individuals and placed out at interest, the bureau should be

entitled to receive from the treasury of the State the sum of \$500. Each county society was also to receive \$50 from the State when \$300 had been contributed by individuals. It was found difficult for the county societies to comply with the latter proviso, and in 1856 the act was amended and a bounty of \$200 granted to each society without requiring any individual contributions. At the same time \$30,000 was appropriated for the purchase of suitable grounds for the biennial fairs to be held at Nashville, and State bonds to that amount were issued. A tract of land containing thirty-nine acres, lying on Brown's Creek, was purchased from John Trimble for the sum of \$17,750. The work of fitting up the grounds was immediately begun, and by October they were sufficiently improved to admit of holding the annual fair upon them. The fair of that year, however, was not so successful as previous ones, owing to unfavorable weather, and to the excitement incident to the presidential campaign then in progress. The improvements of the grounds was completed during the following year, and from the secretary's report it appears that the entire cost of the grounds and improvements exceeded \$30,000.

The sixth and last annual fair was begun on October 10, 1859, and continued six days. This was one of the most successful fairs held. The number of people in attendance on the second day was estimated at 10,000, to which assemblage an elaborate and instructive address was delivered by Lieut. M. F. Maury.

In the reports made by the officers of the society much regret is expressed at the lack of interest in making creditable exhibits of stock and other farm products. But the greatest good derived from these annual fairs came from the addresses delivered by scientific men like Lieut. Maury. They served to give the farmer a broader idea of his profession and to awaken him to the fact that there is a science of agriculture.

During the war, as a matter of course, the agricultural societies were suspended, and but little effort has since been made to revive them. In 1870 the old fair grounds of the State Agricultural Society were sold by a committee appointed by the Legislature, consisting of the secretary of state, comptroller and treasurer.

In December, 1871, an act was passed authorizing the governor to appoint two citizens from each grand division of the State, as commissioners of agriculture, to constitute a bureau of agriculture. They were required to meet once each year, and were allowed to appoint a secretary, at a salary of \$600 per year. The Legislature of 1875 abolished this department, and in its stead established the Bureau of Agriculture, Statistics and Mines, to be under the control of a commissioner appointed

by the governor. It is made the duty of the commissioner to collect specimens of all the agricultural and mineral products of the State; to analyze and inspect fertilizers sold in the State; to study the insects injurious to crops; to study the diseases of grain, fruit and other crops, and to collect statistics bearing upon these subjects. He is also allowed to employ a chemist and geologist to assist him in his researches. At the same time a bureau of immigration was established for the purpose of encouraging immigration to the State. Two years later the duties of this office were imposed upon the Bureau of Agriculture, Statistics and Mines, which had been placed under the control of J. B. Killebrew, as commissioner; a man of great ability, and untiring energy. He did much to make known the immense natural resources of the State; he wrote and published works on "Wheat Culture," "Tennessee Grasses and Cereals," "The Mineral Wealth of the State," "Sheep Husbandry," and an extensive work entitled "The Resources of Tennessee," all admirably well written. For the past three years the bureau has been under the efficient management of A. J. McWhirter.

The first charter issued to a Masonic Lodge in Tennessee was granted in accordance with a petition received by the Grand Lodge of North Carolina, December 17, 1796. The lodge was organized in Nashville, and was known as St. Tammany, No. 1. The Grand Lodge of North Carolina continued its authority over Tennessee until 1812. During the same period a charter was issued to one lodge in this State by the Grand Lodge of Kentucky, and a dispute arose between these two grand lodges in regard to their jurisdiction. In 1805 the Grand Secretary of the Grand Lodge of North Carolina was directed to write to the Grand Lodge of Kentucky, and request them to call in all dispensations or charters granted to lodges in Tennessee. The request was not complied with, and two years later it was renewed with the warning that, if it were not heeded, all communication between them would cease. The difficulty, however, was not settled until a separate Grand Lodge for Tennessee was established.

On December 11, 1811, a convention, consisting of representatives from all the lodges in Tennessee, met at Knoxville. Resolutions favoring the formation of a separate grand lodge were passed, and an address to the Grand Lodge of North Carolina prepared. This address was received by the Grand Lodge at its next meeting in December, 1812, and the petition for a separate grand lodge granted. Accordingly Grand Master Robert Williams called a convention to meet in Knoxville, on December 27, 1813, at which time a charter, or deed of relinquishment, from the Grand Lodge of North Carolina was presented. This charter

is still on file in the archives of the Grand Lodge, and is said to be the only charter of the kind in the United States.

The officers installed the first meeting were Thomas Claiborne, Grand Master; George Wilson, Deputy Grand Master; John Hall, Senior Grand Warden; Abraham K. Shaifer, Junior Grand Warden; Thomas McCarry, Grand Treasurer and Senior Grand Deacon; Edward Scott, Grand Secretary and Junior Grand Deacon. At the meeting held in July following a controversy arose as to whether the subordinate lodges could work under their old charters. It was finally decided to allow them to do so until new charters could be granted.

The constitution as originally adopted provided that the meetings of the Grand Lodge should be held at the place where the Legislature convened. In 1815 this was amended, and Nashville was permanently fixed as the place of meeting. Quarterly meetings of the Grand Lodge were held until October, 1819, when they were abolished. At a called meeting on May 4, 1825, Gen. La Fayette, who was then visiting Nashville, was elected an honorary member of the Grand Lodge, and during the day was introduced to the lodge by Gen. Jackson. The Grand Master delivered an address of welcome, to which Gen. La Fayette replied. An elegant oration was then delivered by William G. Hunt, J. G. W., after which a banquet terminated the exercises.

At the annual meeting held in October, 1825, Gen. Samuel Houston presented a memorial concerning a difficulty which had arisen between him and another member of Cumberland Lodge, No. 8. Upon hearing the case the committee completely exonerated Gen. Houston from all charges of unmasonic conduct, but two years later he was suspended by his lodge. He appealed to the Grand Lodge, but the decision of the subordinate lodge was not reversed. The chief grounds of his suspension was his having fought a duel with another Mason, Gen. White. The constitution and by-laws of the Grand Lodge were amended in 1822, and again in 1830. In 1845 a new constitution was adopted.

October 6, 1858, the corner-stone of the Masonic Temple at Nashville was laid with the usual ceremonies. Since that time but little of general interest has transpired in the proceedings of the Grand Lodge. During the yellow fever epidemic of 1878, the order was active in relieving the suffering, and over \$24,000 was contributed for that purpose. In 1885 the Grand Lodge had jurisdiction over 409 subordinate lodges with a membership of 15,263. The following is a complete list of the Past Grand Masters of the Grand Lodge:

Thomas Claiborne, 1813; Robert Searcy, 1815; Wilkins Tannehill, 1817; O. B. Hays, 1819; Wilkins Tannehill, 1820; Andrew Jackson,

1822; Wilkins Tannehill, 1824; Matthew D. Cooper, 1825; William E. Kennedy, 1827; Hugh W. Danlap, 1829; Archibald Yell, 1831; Dudley S. Jennings, 1832; Harry L. Douglass, 1833; Benjamin S. Tappan, 1834; J. C. N. Robertson, 1836; Philander Priestly, 1837; Samuel McManus, 1838; George Wilson, 1840; Wilkins Tannehill, 1841; John Novell, 1843; Edmund Dillahunty, 1844; William L. Martin, 1846; Hardy M. Burton, 1848; Robert L. Carathers, 1849; Charles A. Fuller, 1850; A. M. Hughes, 1852; John S. Dashiell, 1854; Thomas McCulloch, 1856; John Frizzell, 1858; James McCallum, 1860; A. M. Hughes, 1863; Thomas Hamilton, 1864; Joseph M. Anderson, 1866; Jonathan S. Dawson, 1868; John W. Paxton, 1869; John C. Brown, 1870; W. M. Dunaway, 1871; D. R. Grafton, 1872; James D. Richardson, 1873; Andrew J. Wheeler, 1874; J. C. Cawood, 1875; E. Edmundson, 1876; A. V. Warr, 1877; George C. Connor, 1878; Wilbur F. Fowler, 1879; J. T. Irion, 1880; N. S. Woodward, 1882; N. W. McConnell, 1883; B. R. Harris, 1884; H. M. Aiken, 1885; Thomas O. Morris, 1886. The following is a list of the present grand officers:

Thomas O. Morris, Nashville, M. W. Grand Master; Caswell A. Goodloe, Alamo, R. W. Deputy Grand Master; H. H. Ingersoll, Knoxville, R. W. Senior Grand Warden; John T. Williamson, Columbia, R. W. Junior Grand Warden; William H. Morrow, Nashville, R. W. Grand Treasurer; John Frizzell, Nashville, R. W. Grand Secretary; Rev. C. H. Strickland, Nashville, R. W. Grand Chaplain; H. W. Naff, Bristol, Wor. Senior Grand Deacon; H. P. Doyle, Dyersburg, Wor. Junior Grand Deacon; P. H. Craig, Waynesboro, Wor. Grand Marshal; N. A. Senter, Humboldt, Wor. Grand Sword Bearer; A. C. Robeson, Athens, Wor. Grand Steward; M. P. Prince, Minor Hill, Wor. Grand Pursuivant; Ewin Burney, Nashville, Wor. Grand Tyler. The Grand Council of Tennessee Royal and Select Master Masons was organized October 13, 1847, with the following officers:

Dyer Pearl, T. I. Grand Master; William R. Hodge, G. Prin. C. of Work; Joseph F. Gibson, Grand Treasurer; Charles A. Fuller, Grand Recorder. Since that time the following have filled the chair of Grand Master: John S. Dashiell, 1849; Henry F. Beaumont, 1850; John P. Campbell, 1851-52; James Penn, 1853; Jonathan Huntington, 1854; L. Hawkins, 1855; Edward W. Kinney, 1856; Robert Chester, 1857; H. M. Lusher, 1858; Jonathan Huntington, 1859; John H. Devereux, 1860; John Frizzell, 1861; William Maxwell, 1865; John McClelland, 1866; William H. McLeskey, 1867; David Cook, 1868; W. F. Foster, 1869; A. V. Ware, 1870; James McCallum, 1871; A. P. Hall, 1872; L.

*No meetings held in 1861 and 1862.

Edmundson, 1873; W. R. Shaver, 1874; H. M. Aiken, 1875; B. F. Haller, 1876; Bradford Nichol, 1877; B. R. Harris, 1878; George H. Morgan, 1879; Ewin Burney, 1880-82; William Matthews, 1883; P. C. Wright, 1884.

The Grand Chapter was organized April 3, 1826, with the following officers: William G. Hunt, Grand High Priest; Wilkins Tannehill, Deputy Grand High Priest; Ed H. Steele, Grand King; Dyer Pearl, Grand Scribe; Moses Stevens, Grand Treasurer; and Charles Cooper, Grand Secretary.

The following have been the Grand High Priests: William G. Hunt,* 1826; William G. Hunt,* 1827; Moses Stevens,* 1828; Wilkins Tannehill,* 1829; William G. Dickinson,* 1830; Hezekiah Ward,* 1831; Hezekiah Ward,* 1832; Jacob F. Foute,* 1833; Moses Stevens,* 1834; T. S. Alderson,* 1835; Dyer Pearl,* 1836; Benjamin S. Tappan,* 1837; Benjamin S. Tappan, 1838; Moses Stevens,* 1839; Edmund Dillahunty,* 1840; Edmund Dillahunty,* 1841; Henry F. Beaumont,* 1842; James H. Thomas,* 1843; Dyer Pearl,* 1844; Dyer Pearl,* 1845; Dyer Pearl,* 1846; P. G. Stiver Perkins,* 1847; P. G. Stiver Perkins,* 1848; Charles A. Fuller,* 1849; A. M. Hughes, 1850; A. M. Hughes, 1851; J. M. Gilbert, 1852; Edward W. Kenney,* 1853; Edward Kenney,* 1854; Solomon W. Cochran, 1855; Solomon W. Cochran, 1856; Robert I. Chester, 1857; Robert S. Moore,* 1858; Robert S. Moore,* 1859; W. H. Whiton, 1860; Jonathan Huntington,* 1861; John Frizzell, 1865; Jonathan S. Dawson, 1866; Townsend A. Thomas, 1867; William Maxwell, 1868; John W. Hughes, 1869; William H. Armstrong, 1870; A. J. Wheeler,* 1871; John W. Paxton,* 1872; Joseph M. Anderson, 1873; Wilbur F. Foster, 1874; Algernon S. Currey, 1875; H. M. Aiken, 1876; John S. Pride, 1877; Benjamin F. Haller, 1878; Joe H. Bullock, 1879; Gideon R. Gwynne, 1880; W. E. Eastman, 1882; James D. Richardson, 1883; David J. Pierce, 1884; William S. Matthews, 1885; Bradford Nichol, 1886.

The following is a list of the present grand officers: Bradford Nichol, Nashville, Grand High Priest; John E. Pyott, Spring City, Deputy Grand High Priest; Lewis R. Eastman, Nashville, Grand King; N. F. Harrison, Germantown, Grand Scribe; N. S. Woodward, Knoxville, Grand Treasurer; John Frizzell, Nashville, Grand Secretary; Rev. H. A. Jones, Memphis, Grand Chaplain; Charles Buford, Pulaski, Grand Captain of the Host; J. W. N. Burkett, Jackson, Grand Principal Sojourner; John B. Garrett, Nashville, Grand Royal Arch Captain; James R. Crowe, Pulaski, Grand Master Third Veil; J. T. Williamson,

*Deceased.

Columbia, Grand Master Second Veil; John H. Ferguson, Dayton, Grand Master First Veil; Ewin Burney, Nashville, Grand Sentinel.

The Grand Council of the order of High Priesthood for Tennessee was organized October 9, 1860, by Thomas Ware, of Kentucky, Grand President *pro tem*. The officers installed were Robert S. Moore, Grand President; John M. Morrill, Vice Grand President; Jonathan Huntington, Grand Chaplain; John Frizzell, Grand Treasurer, and John McClelland, Grand Recorder.

The following is a list of the Grand Presidents from the organization: Robert S. Moore, 1860; John McClelland, 1861; John S. Dashiell, 1864; John Frizzell, 1866; John Bell, 1867; John W. Paxton, 1868; J. M. Gilbert, 1869; John McClelland, 1870; Wilbur F. Foster, 1871; Wilbur F. Foster, 1872; A. J. Wheeler, 1873; Morton B. Howell, 1874; John B. Morris, 1875; George S. Blackie, 1876; E. Edmundson, 1877; Gideon R. Gwynne, 1878; Benjamin F. Haller, 1879; George S. Blackie, 1880; Henry M. Aiken, 1882; Bradford Nichol, 1883; Bradford Nichol, 1884; Bradford Nichol, 1885; D. J. Pierce, 1886.

October 12, 1859, the four commanderies of Knights Templar and appendant orders in Tennessee, working under charters from the Grand Encampment of the United States, assembled in Nashville for the purpose of organizing a Grand Commandery for Tennessee. Twenty-six Sir Knights were present. The officers chosen and installed were Charles A. Fuller, Grand Commander; A. M. Hughes, Deputy Grand Commander; Lucius J. Polk, Grand Generalissimo; M. Whitten, Grand Captain General; W. H. Horn, Grand Treasurer; W. H. Whiton, Grand Recorder, Jonathan Huntington, Grand Prelate; J. J. Worsham, Grand Senior Warden; A. S. Currey, Grand Junior Warden; Thomas McCulloch, Grand Standard Bearer; J. H. Devereux, Grand Sword Bearer; Henry Sheffield, Grand Warden; M. E. De Grove, Grand Sentinel. Annual meetings have since been held with the exception of three years during the war. The number of subordinate commanderies in 1885 was 14, with a membership of 813.

The following is a list of the Past Grand Commanders: Charles A. Fuller, Lucius J. Polk, J. J. Worsham, A. S. Underwood, John McClelland, John Frizzell, Dr. J. M. Towler, A. D. Sears, George S. Blackie, J. B. Palmer, George Mellersh, M. B. Howell, H. M. Aiken, W. R. Butler, E. R. T. Worsham, W. F. Foster, George C. Connor, Joseph H. Fussell, B. F. Haller, W. D. Robison, W. P. Robertson, G. R. Gwynne, J. B. Nicklin.

The Grand Commandery in 1886 assembled at Tullahoma and elected the following officers: Henry C. Hensley, Grand Commander; Charles

Mosby, Deputy Grand Commander; G. B. Wilson, Grand Generalissimo; W. C. Smith, Grand Captain General; Rev. J. J. Manker, Grand Preacher; Joseph H. Ballock, Grand Treasurer; W. F. Foster, Grand Recorder; N. S. Woodward, Grand Senior Warden; Dr. Robert Pillow, Grand Junior Warden; T. O. Morris, Grand Standard Bearer; H. C. Cullen, Grand Sword Bearer; D. J. Chandler, Grand Warden, and Ewin Burney, Grand Captain of the Guard.

The first lodge of the Independent Order of Odd Fellows was instituted in Nashville on the evening of June 1, 1839, and was known as Tennessee Lodge No. 1. This lodge is still in existence. The next year, 1840, a second lodge was organized at Nashville. The Grand Lodge of Tennessee was instituted under authority of a charter issued by the Grand Lodge of the United States August 10, 1841, by C. C. Trabue, Special Deputy Grand Sire. The first grand officers elected and installed were Timothy Kezer, Grand Master; R. A. Barnes, Deputy Grand Master; W. H. Calhoun, Grand Warden; William P. Hume, Grand Secretary; George R. Forsyth, Grand Treasurer. At the next meeting, August 24, the constitution and by-laws of the Grand Lodge of Ohio was adopted. New charters were granted to the two lodges already organized, and in October a charter was also granted to Columbia Lodge No. 3, the first instituted under authority of the Grand Lodge of Tennessee. On January 2, 1843, Grand Lodge Hall, over the postoffice, at the corner of Union and Cherry Streets, was dedicated with appropriate ceremonies. Soon after a committee was appointed to purchase the old Nashville theater, which was done at a cost of nearly \$10,000. In order to raise the necessary money to pay for the building and fit it up, an association was formed and incorporated by an act of the Legislature, under the name of the Odd Fellows Hall Association, with an authorized capital stock of \$20,000, divided into shares of \$25 each. Stock was taken by individuals and also by subordinate lodges. In January, 1850, the committee appointed to fit up the hall reported the work finished, and the entire cost of the building to be about \$30,000. This amount proved to be greater than the lodge could raise, and the following year the property was sold under a decree of the chancery court for \$9,500. This sale was set aside by the supreme court, and in March, 1853, the hall was sold to E. H. Childress and P. W. Maxey for \$12,350. The lodge still owed \$3,000, and they were obliged to sell other property to satisfy this debt. This, however, did not put an end to the financial difficulties, and in 1857 the indebtedness of the lodge amounted to over \$7,000. During the war many subordinate lodges were suspended, the Grand Lodge was cut off from communication with the Grand Lodge of the

United States, and the order throughout the State was badly disorganized. But within a few years after the cessation of hostilities prosperity returned; old lodges were revived and a large number of new ones instituted. In 1885 the number of subordinate lodges was 122, with a membership of 3,302. During the year benefits to the amount of \$12,599.78 were paid, and the total revenue from all sources was \$26,345.11. Since 1853 the Grand Lodge has owned no hall, but has held its meetings in the halls of subordinate lodges at various places, Nashville, Knoxville, Memphis and Chattanooga. The following is a list of the Grand Masters, with the year in which they were elected: Timothy Kezer, 1841; J. G. Harris, 1842; W. F. Tannehill, 1843; James R. Shelton, 1844; William H. Calhoun, 1845; W. S. McNairy, 1846; G. P. Smith, 1847; W. K. Poston, 1848; W. S. Howard, 1849; W. M. Blackmore, 1850; Robert Stark, 1851; George W. Day, 1852; Constantine Perkins, 1853; E. A. Raworth, 1854; George Robertson, 1855; E. D. Farnsworth, 1856; A. A. Barnes, 1857; Robert Hatton, 1858; Benjamin Johnson, 1859; M. D. Cardwell, 1860; J. D. Danbury, 1861; H. C. Hensley, 1862; E. D. Farnsworth, 1863; William Wood, 1864; M. C. Cotton, 1865; O. F. Prescott, 1866; William H. McConnell, 1867; Hervey Brown, 1868; M. R. Elliott, 1869; J. R. Prescott, 1870; James Rodgers, 1871; J. L. Weakley, 1872; A. M. Burney, 1873; H. T. Johnson, 1874; H. P. Schorn, 1875; George B. Boyles, 1876; S. D. J. Lewis, 1877; Charles M. Carroll, 1878; E. G. Budd, 1879; R. D. Frayser, 1880; E. B. Mann, 1881; James H. Crichtlow, 1882; C. F. Landis, 1883; James G. Aydelotte, 1884; Halbert B. Case, 1885.

The Grand Encampment of Tennessee was organized at Nashville July 21, 1847, by T. P. Shaffner, of Louisville, Ky. The first officers elected and installed were George W. Wilson, Grand Patriarch; Donald Cameron, Grand High Priest; N. E. Perkins, Grand Senior Warden; C. K. Clark, Grand Junior Warden; G. P. Smith, Grand Scribe; John Coltart, Grand Treasurer; C. G. Weller, Grand Inside Sentinel; Charles Smith, Grand Outside Sentinel. The constitution and by-laws of the Grand Encampment of Maine was adopted. At this time there were five subordinate encampments in the State, the first of which was Ridgely Encampment, No. 1, organized at Nashville. In 1849 the number of encampments had increased to ten, with a membership of eighty-three; in 1873 the encampments numbered twenty-nine, and the members 867. The present membership is about 300, divided among fifteen encampments.

The order of the Knights of Honor was introduced by the organization of Tennessee Lodge, No. 20, at Nashville, on May 6, 1874, with

a membership of fifteen. The Grand Lodge of Tennessee was organized in Nashville by Supreme Director Dr. A. E. Keys, of Mansfield, Ohio, July 3, 1875, at which time D. B. Gally was elected Grand Dictator, and W. H. Trafford Grand Reporter. The constitution and by-laws of the Supreme Lodge was adopted for the government of the Grand Lodge until a permanent constitution could be prepared, which was done at an adjourned meeting held in October, 1875. Since the organization of the first lodge in the State, the growth of the order has been steady. By January 1, 1878, the membership had reached 3,814; in 1880 it was 5,527, and in 1885, 6,858. The financial condition of the order has been equally prosperous.

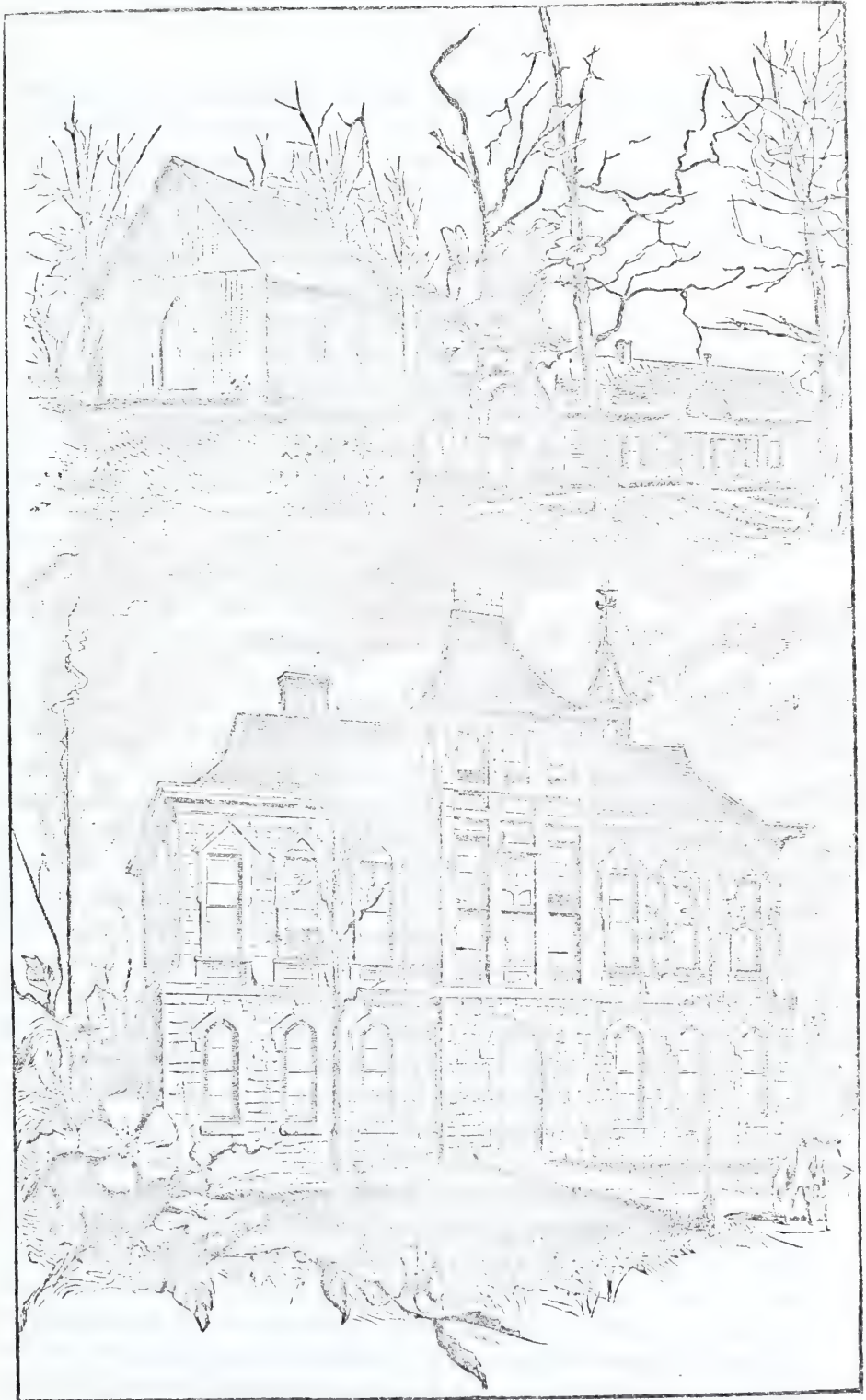
During the yellow fever epidemic of 1878 much was done by the order to alleviate suffering. Dr. D. F. Goodyear, Grand Treasurer, of Memphis, with other members of the relief committee, remained in that city and distributed contributions, which were received from all parts of the State and of the United States, to the amount of nearly \$15,000. The number of deaths for that year was 167, of which 131 were caused by yellow fever. The amount of benefit for the year reached \$334,000.

The following is a list of the Grand Dictators: D. B. Gally, of Nashville; L. A. Gratz, of Knoxville; John W. Childress, of Murfreesboro; E. Smithson, of Pulaski; J. Bunting, of Bristol; J. P. Young, of Memphis; W. E. Baskette, of Murfreesboro; Creed E. Bates, of Cleveland; Warner Moore, of Memphis; P. R. Albert, of Chattanooga, and others. The Grand Reporters have been W. H. Trafford, 1875-76; L. A. Gratz, 1877; Ben K. Pullen, 1878-83, and W. M. Johnson, 1884. Meetings of the Grand Lodge are held at Nashville in April of each year.

The Grand Lodge, Knights and Ladies of Honor of Tennessee, was organized in the hall of Harmony Lodge, at Nashville, April 7, 1879, under a dispensation from the Supreme Protector, by D. B. Gally. The organization was effected by the election and installation of the following officers: Ben K. Pullen, Past Grand Protector; D. B. Gally, Grand Protector; Mrs. Josephine Mackenzie, Grand Vice-Protector; George F. Fuller, Grand Secretary; George F. Hager, Grand Treasurer; A. A. Allison, Grand Chaplain; Mrs. Ada McCullough, Grand Guide; Miss Jessie M. Dorris, Grand Guardian; Mrs. D. J. Sanders, Grand Sentinel, and W. E. Ladd, W. H. Taylor and J. A. Kellogg, Trustees. The constitution of the Grand Lodge of Missouri was adopted, and Nashville was fixed as the permanent place of meeting. The first annual meeting was held April 12 and 13, at which time the Grand Protector reported that twelve new lodges had been established, making a total of thirty-eight lodges in the State, with a membership of about 1,200. At this session

FIRST CHAPEL.

RESIDENCE OF MAJOR FAIRBANKS.



THOMPSON HALL, UNIVERSITY OF THE SOUTH.

Ben K. Pullen was elected Grand Protector, but refused to serve, and F. Smithson was chosen in his place. The latter failed to perform the duties devolving upon the office, and a called meeting was held September 30, 1880, to elect a Grand Protector to fill out the unexpired term. A. A. Allison, of Fidelity Lodge, No. 155, of Gallatin, was chosen to the office. A second special session of the Grand Lodge was held in Knights of Pythias Hall in Nashville, December 12 and 13, 1881.

After the reports of several committees, and that of the Grand Protector had been received, an animated discussion arose as to the powers of the Grand Lodge at this special session. The Grand Protector finally decided that any business offered could be transacted, and new officers were elected. D. B. Gally was chosen Grand Protector, and Mrs. E. E. De Pass, Grand Vice-Protector. The Secretary reported a total membership of about 1,500, distributed among forty-two working lodges. The first biennial session of the Grand Lodge was held April 2, 1883. But little except routine business was transacted. The Secretary reported forty-one lodges in working order, with an aggregate membership of 1,650. The Protector reported that up to that time there had been paid to the families of deceased members in Tennessee benefits to the amount of over \$80,000. At this meeting B. J. F. Owen was elected Grand Protector, and Mrs. J. E. Jordan, Grand Vice-Protector. April 13, 1885, the Grand Lodge convened in second biennial session at Nashville, and was opened in due form. The Grand Protector reported forty-five lodges in the State, with about 1,800 beneficiary members. He also reported that the State had drawn benefits to the amount of \$116,873.65, and paid in assessments \$73,908.15. After business of a miscellaneous character was transacted the following officers were elected: George E. Hawkins, Grand Protector; Mrs. Dosie Brooks, Grand Vice-Protector; George Fuller, Grand Secretary; R. A. Campbell, Grand Treasurer; Mrs. Olive Peacock, Grand Chaplain; Mrs. Josephine Mackenzie, Grand Guide; I. C. Garner, Grand Guardian, and J. T. Mackenzie, Grand Sentinel. W. L. Grigsby was elected representative to the Supreme Lodge, with W. R. Kendall as alternate. The lodge holds its next biennial session in April, 1887.

On May 9, 1876, fourteen ladies and gentlemen met in the city of Knoxville and resolved, after a preliminary discussion, to apply for a charter under the laws of Tennessee, that they might organize an order to be known and styled the United Order of the Golden Cross, together with provisions for the pecuniary relief of sick or distressed members, and the establishment of a benefit fund from which should be paid to the friends of deceased members a sum not to exceed \$2,000. The charter

was granted, and on July 4, 1876, the Supreme Commandery was organized. The first Subordinate Commandery organized was Peace No. 1, at Knoxville, on July 11. The order increased quite rapidly, and on May 10, 1877, a called meeting of the Supreme Commandery of the World was held at Knoxville for the purpose of organizing a Grand Commandery for the State of Tennessee. The members present were J. H. Morgan, Supreme Commander; Addie Wood, Supreme Vice-Commander; Isaac Emory, Supreme Prelate; D. H. Weaver, Supreme Keeper of Records; William Wood, Supreme Treasurer; R. A. Brown, Supreme Herald; C. J. Gochwend, Supreme Warden of the Inner Gate; E. W. Adkins, Supreme Warden of the Outside Gate; Harvey Clark, Supreme Post Commander; W. R. Cooper, Mary Adkins, Maggie P. Morgan, M. E. Weaver and A. M. Emory. An election of grand officers was held, which resulted as follows: E. E. Young, P. G. C.; A. J. Baird, G. C.; A. M. Emory, G. V. C.; S. H. Day, G. P.; George W. Henderson, G. K. of R.; E. W. Adkins, G. T.; J. A. Ruble, G. H.; Addie Wood, G. W. I. G.; W. J. Fagan, G. W. O. G. J. C. Flanders was elected Representative to the Supreme Commandery for one year, and George B. Staddan for two years. The whole number of third degree members reported at this time was 317. Both the first and second annual sessions of the Supreme Commandery were held in Knoxville, but the growth of the order was rapid in the other States, and the third session was held at Washington, D. C. The Grand Commandery held its first annual meeting in Cleveland, Tenn., on April 16, 1878, at which time A. J. Baird was chosen Grand Commander, and Addie Wood, Grand Vice-Commander. Seven new lodges were organized during the preceding year, which increased the membership to 598. The second annual session and all succeeding ones have been held at Nashville. At the meeting in 1880 it was decided to hold biennial instead of annual sessions, and accordingly the next convention of the Grand Lodge occurred on April 18, 1882. Two sessions have since been held. The Grand Commanders elected since 1878 have been S. H. Day, 1879; J. H. W. Jones, 1880; R. G. Rothrock, 1882; C. S. McKenna, 1884 and R. A. Campbell, 1886. The other officers at present are E. J. Roach, G. V. C.; W. W. Ownby, G. P.; George B. Staddan, G. K. of R.; E. W. Adkins, G. T.; Belle McMurray, G. H.; J. L. Webb, G. W. I. G.; D. S. Wright, G. W. O. G. The membership in 1880 was 766; in 1882, 1,036; and on January 1, 1884, 1,114. The influence of this order is always for good, and no person not pledged to total abstinence from all intoxicating liquors is admitted to membership.

The order of the Knights of Pythias was introduced by the establishment of Holston Lodge, No. 1, at Knoxville, Tenn., in March, 1872.

Soon after lodges were established at Chattanooga, Nashville, Memphis, and other points throughout the State. The Grand Lodge was organized at Nashville, April 2, 1872, by Supreme Chancellor, Samuel Read, of New Jersey. There were present representatives from six lodges: Holston Lodge, No. 1, of Knoxville; Damon Lodge, No. 2, of Chattanooga; Myrtle Lodge, No. 3, of Nashville; Bayard Lodge, No. 4, of Murfreesboro; Tennessee Lodge, No. 5, and Memphis Lodge, No. 6, both of Memphis. The first Grand Chancellor was Calvin McCorkle, of Knoxville. The representatives to the Supreme Lodge elected at the same time are W. Brice Thompson, of Nashville, and W. R. Butler, of Murfreesboro. Since the organization of the Grand Lodge the chancellors have been T. S. Jukes, of Memphis; Alexander Allison, of Knoxville; W. P. Robertson, of Jackson; J. J. Atkins, of Knoxville; B. H. Owen, of Clarksville; H. S. Reynolds, of Memphis; R. L. C. White, of Lebanon; E. S. Mallory, of Jackson; R. J. Wheeler, of Nashville; W. C. Caldwell, of Trenton; W. R. Carlile, of Chattanooga; George S. Seay, of Gallatin; L. D. McCord, of Pulaski, and M. M. Niel, of Trenton, the present incumbent.

H. S. Reynolds, was chairman of K. of P. Relief Committee at Memphis during the yellow fever epidemic of 1878, and remained in the city, discharging his duties, until he fell ill and died of the disease. In recognition of his noble work and sacrifice of his life the Supreme Lodge of the World, by special dispensation, placed his name on the roll of Past Grand Chancellors in the following words: "The name of Brother Reynolds is placed upon the list of Past Grand Chancellors, though he died during his term as Grand Chancellor; but he died nobly at his post of duty, and immortalized his name in the annals of Pythian Knighthood."

There are at present twenty-six lodges in the State, with an aggregate membership of 2,012. Financially the order is in excellent condition, there being on hand in the treasuries of subordinate lodges on December 31, 1885, the amount of \$5,543.64 cash, while the value of lodge furniture and real estate is estimated at \$21,597. The Grand officers, elected at Clarksville, in May 1886, are as follows: Sitting Past Grand Chancellor, George E. Seay, of Gallatin; Grand Chancellor, M. M. Neil, of Trenton; Grand Vice-Chancellor, Henry W. Morgan, of Nashville; Grand Prelate, G. B. Wilson, of Clarksville; Grand Keeper and Recorder of Seals, R. L. C. White, of Lebanon; Grand Master of Exchequer, W. A. Wade, of Milan; Grand Master of Arms, T. C. Latimore, of Chattanooga; Grand Inner Guard, E. L. Bullock, of Jackson; Grand Outer Guard, W. G. Sadler, of Nashville; and representatives to the Supreme Lodge, George E. Seay, of Gallatin, and R. L. C. White, of Lebanon.

The Grand Council of the American Legion of Honor at Nashville, August 3, 1882, by Deputy Supreme Commander Brooks. Past Commanders from ten councils throughout the State were present, and the following Grand officers were elected: George F. Hager, Past Grand Commander, Nashville; S. H. Day, Grand Commander, Cleveland; George F. Fuller, Grand Vice-Commander, Nashville; Z. Mitchell, Grand Orator, Memphis; Frank Winship, Grand Treasurer, Knoxville; Frank A. Moses, Grand Guide, Nashville; E. G. Buford, Grand Sentry, Nashville; George F. Hager and Julius Ochs, Grand Trustees. Hager was also chosen representative to the Supreme Council.

The growth of this order in Tennessee has been rapid, and owing to its careful and economical management it is in splendid condition financially. There are now in the State 15 subordinate councils with a membership of about 900. The order now holds biennial sessions. The following are the officers for 1883: George F. Hager, Grand Commander, Nashville; Joseph W. Z. Mitchell, Grand Vice-Commander, Chattanooga; W. Z. Mitchell, Grand Orator, Memphis; Alexander Allison, Past Grand Commander, Knoxville; Richmond, Grand Secretary, Knoxville; F. A. Moses, Grand Treasurer, Knoxville; John T. Rogers, Grand Guide, Cleveland; S. H. Day, Grand Chaplain, Chattanooga; Henry Benzing, Grand Sentry, Nashville; L. Williams, Grand Sentry, Cleveland. W. Z. Mitchell, John B. Everitt, Nashville; Henry Benzing, Nashville, Grand Trustees.

The Ancient Order of United Workmen originated in Pennsylvania, in October, 1868. The first lodge organized in Tennessee was Lodge No. 2, instituted at Nashville, November 26, 1872. When this lodge was organized it was supposed that Lodge No. 2 was formed at Memphis, but this was found to be a mistake, and since that time there has been no lodge of that number in the State. In 1877, representatives from six subordinate lodges met at Nashville and organized a Grand Lodge with the following officers: John W. Childress, Past Grand Master Workman; John M. Brooks, Grand Foreman; D. W. Hughes, Grand Treasurer; Thomas H. Everett, Grand Recorder; J. M. Barnes, Grand Guide; R. Albert, Grand Guide; C. A. Thompson, Grand Water Carrier; John Schiff, John Frizzell and John W. Childress, Supreme Council. According to the provisions of the constitution adopted, the annual sessions of the Grand Lodge are held at Nashville on the third Tuesday of each year. Annual sessions were held until 1883, when biennial sessions were instituted. In 1878 the number of subordinate lodges was 15.

membership of 742. There are now in the State fifty-four lodges and 1,900 members. The A. O. U. W. is said to be the oldest beneficiary secret society in this country. It embraces in its membership men of every vocation, profession and occupation, employes and employers, workers of all classes. It has no connection with any religious sect or political party, but is designed to promote mental and social improvement and mutual assistance. The amount paid in benefits in Tennessee since its introduction into the State is over \$562,000.

The order of Royal Arcanum originated in Massachusetts, where the Supreme Council was incorporated November 5, 1877. The first council established in Tennessee was Nashville Council, No. 98, organized May 22, 1878, with twenty-eight charter members. During the next eighteen months councils were organized at Memphis, Knoxville, Chattanooga, Tracy City, Shelbyville, Edgefield, South Nashville, and a second lodge in Nashville. On February 20, 1878, official notice was received that a dispensation to form a Grand Council of the Royal Arcanum for the State would be granted upon the assembling of a sufficient number of Past Regents to constitute the same at Pythian Hall, Nashville, on March 9, following. In accordance with this notice a meeting was held at which were present twelve Past Regents, representing seven subordinate councils. The following officers were elected: A. B. Tavel, Grand Regent; W. Z. Mitchell, Grand Vice-Regent; A. M. Shook, Grand Orator; J. B. Everett, Past Grand Regent; I. K. Chase, Grand Secretary; T. H. Everett, Grand Treasurer; R. A. Campbell, Grand Chaplain; W. C. Dibrell, Grand Guide; T. M. Schleier, Grand Warden; W. P. Phillips, Grand Sentry. Supreme Regent J. M. Swain then proceeded at once to install the Grand officers, after which he pronounced the Grand Council legally instituted. A constitution was adopted, and the first session was closed. Since that time meetings of the Grand Council have been held in Nashville in March of each year. Although the growth of the order in the State has not been rapid, it has been remarkably well managed, and is now one of the most prosperous of the beneficiary societies. The number of members in Tennessee January 1, 1880, was 549. January 1, 1886, it was 1,106, distributed among twelve subordinate councils. Since that time Hermitage Council has been organized in North Nashville, with twenty-three charter members. Of the Widows' and Orphans' Benefit Fund there was received, in the six years from 1880 to 1885 inclusive, \$105,383.01, while for the same period there was disbursed \$168,000.

The following have been the Grand Regents elected since the first meeting: W. Z. Mitchell, 1881; Charles Mitchell, 1882; L. A. Gratz,

1883; Joseph Towler, 1884; H. W. Morgan, 1885; David Douglas, 1886. The Grand Secretary, up to 1885, was Irvine K. Chase. Since that time the office has been filled by Thomas Taylor.

On the 27th of February, 1882, George H. Thomas Post, No. 1, Grand Army of the Republic, was organized at Nashville. At the outset the Post was very weak, numbering only sixteen charter members. May 1, 1883, the Provisional Department of Tennessee and Georgia was formed, with four posts and a membership of 136. The posts at that time, besides the one mentioned, were Lookout, No. 2, at Chattanooga; Memphis, No. 3, and Lincoln, No. 4, at Nashville. The Department of Tennessee and Georgia, comprising the States of Tennessee, Georgia and Alabama, was organized February 26, 1884, under special order No. 4, from national headquarters. The following were the department officers elected: Department Commander, Edward S. Jones, Post 1; S. V. Department Commander, S. S. Garrett, Post 3; J. V. Department Commander, Newton T. Beal, Post 17; Medical Director, Frank Weise, Post 1; Department Chaplain, W. J. Smith, Post 3; Assistant Adjutant-General, James Chamberlin, Post 1; Acting Assistant Adjutant-General, Charles W. Norwood, Post 2; Assistant Quartermaster-General, Henry Trauernicht, Post 1; Department Inspector, Henry R. Hinkle, Post 6; Judge Advocate, L. A. Gratz, Post 14; Chief Mustering Officer, J. T. Wolverton, Post 7; Council of Administration, Edward M. Main, Post 1; T. B. Edgington, Post 3; Peter Martin, Post 4; A. B. Wilson, Post 8; Samuel Long, Post 17. The first annual encampment was held at Chattanooga February 26 and 27, 1885, at which time the Department Commander reported twenty-eight posts on the rolls, numbering 989 members in good standing. The department now numbers fifty posts, having an aggregate membership of nearly 2,000.

CHAPTER XI.

STATE INSTITUTIONS—EARLY MANAGEMENT OF THE FINANCES—THE CREATION OF THE STATE DEBT—THE BONDS REFUNDED—THE QUESTION OF REPUDIATION—MEASURES TO LIQUIDATE THE INDEBTEDNESS—THE STATE BANKS—THE INTERNAL IMPROVEMENT ERA—STATE RAILROAD STOCK—IMPROVEMENT OF NAVIGABLE WATER-COURSES—THE TURNPIKE COMPANIES—ILLUSTRATIVE RECEIPTS AND DISBURSEMENTS—INTERNAL RAILWAY PROJECTS—THE INTRODUCTION OF STEAM WATER-CRAFT—CATALOG OF STATE OFFICERS—ELECTION RETURNS—FORMATION OF COUNTIES—POPULATION BY DECADES—STATISTICS, ETC.

HAD it been possible to maintain the primitive simplicity of the early government, little difficulty would have arisen concerning its financial management. The expenditures and receipts were very evenly balanced, the former consisting mainly in defraying the expenses of legislation. In the Territorial Assembly of 1794 Mr. Donelson, from the committee appointed to estimate the expenses for that year, reported the probable expenditures at \$2,390. The rates of taxation, as fixed at this session, were 12½ cents on each white poll; 50 cents on each black poll; \$1 for each town lot, and 25 cents on each 100 acres of land. The Council had strongly urged that a tax of 12½ cents upon land was sufficient, but after considerable discussion, and several offers to compromise on their part, they were forced to yield to the House, which stood firm for the rate fixed.

The following is a detailed account of the expenses of the Legislative Council and House of Representatives for the session beginning August 25, 1794, and ending September 30, 1794. The per diem allowance for each member and each clerk was \$2.50, and for each door keeper \$1.75. All were allowed for ferriages, and \$2.50 for each twenty-five miles of travel.

LEGISLATIVE COUNCIL.

Griffith Rutherford, 37 days, 322 miles, 4 ferries.....	\$125 70
John Sevier, 37 days, 200 miles, 2 ferries.....	112 16½
Stockley Donelson, 37 days, 130 miles, 4 ferries.....	105 83½
James Winchester, 15 days, 312 miles, 4 ferries.....	69 70
Parmenas Taylor, 37 days, 102 miles, 2 ferries.....	102 86½
G. Roulstone, clerk, 37 days.....	92 50
Stationery and engrossing.....	47 50
William Maclin, clerk, 37 days, 380 miles, 4 ferries.....	131 50
Stationery and engrossing.....	47 50
Christopher Shoat, doorkeeper, 37 days.....	64 75
Thomas Bounds, doorkeeper, 34 days, 12 miles.....	60 70
John Stone, house rent.....	10 00

\$970 71½

HOUSE OF REPRESENTATIVES.

David Wilson, 37 days, 310 miles, 4 ferries.....	\$124 00
James White, 37 days, 370 miles, 4 ferries.....	130 00
James Ford, 37 days, 490 miles, 4 ferries.....	135 00
William Cocke, 17 days, 100 miles, 2 ferries.....	52 33½
Joseph McMinn, 37 days, 170 miles, 2 ferries.....	109 83½
George Rutledge, 37 days, 240 miles, 2 ferries.....	116 83½
Joseph Hardin, 37 days, 150 miles, 2 ferries.....	107 60½
Leroy Taylor, 35 days, 200 miles, 2 ferries.....	107 66½
John Tipton, 26 days, 218 miles, 2 ferries.....	86 91½
George Doherty, 37 days, 60 miles, 2 ferries.....	93 66½
Samuel Wear, 37 days, 60 miles, 2 ferries.....	98,66½
Alexander Kelly, 30 days, 25 miles, 2 ferries.....	77 66½
John Baird, 31 days, 30 miles.....	80 50
H. Lacy, clerk, 20 days, 100 miles, 2 ferries.....	60 33½
B. Harle, clerk, 37 days, 150 miles, 2 ferries.....	107 66½
W. L. Lovely, clerk, 14 days, 200 miles, 2 ferries.....	55 66½
Richard Mynat, doorkeeper, 37 days, 40 miles.....	65 75
Stationery and engrossing.....	102 00
James White, house rent.....	5 00
	<u>\$1,760 16½</u>

The tax levy made at this session proved amply sufficient. The joint committee appointed to settle with the treasurer of Washington and Hamilton Districts for the following year reported the finances to be in a very flattering condition.

"Your committee beg leave to observe that the moneys arising from the tax levied by the last General Assembly very much exceeded their most sanguine expectations, and that such will be the state of the treasury department, that the next tax to be levied may be very much lessened, and then be fully commensurate and adequate to defray every expenditure and necessary contingency of our government."

At that time the drawing of lotteries was not an uncommon mode of raising money for the erection of public buildings and the support of public enterprises of all kinds. There seems to have been no thought of any immoral tendency in the promotion of these lotteries, as schools and churches frequently instituted them. The following is taken from the journal of the Assembly of 1794: "A bill to authorize the drawing of a lottery in the District of Mero for raising a fund for erecting a district gaol and stocks in Nashville; endorsed, read the third time, and passed."

One of the first acts passed after the organization of the State government was that establishing a treasury for the districts of Washington and Hamilton, and another for Mero District. The treasurer of Mero District was ordered to turn over to the other treasury each year all the money remaining on hand, within six days after the meeting of the General Assembly. This plan was followed until the seat of government

was changed. While located at Nashville or Murfreesboro the transfer of funds was reversed, and the treasurer of East Tennessee reported to the treasurer of the other division of the State. After the settlement of West Tennessee another treasury was established, and the balance of money remaining on hand in each of the other districts at the end of the year was delivered to the treasurer of Middle Tennessee. In 1836 the three treasuries were consolidated, and the first State treasurer elected. At the same time the office of comptroller was created.

The following is the report of the Committee on Finance at the first General Assembly in 1796:

Receipts by the treasurer of Washington and Hamilton Districts.....	\$6,380 63
Disbursements.....	5,838 03
Balance in the treasury.....	\$ 542 60
Receipts by the treasurer of Mero District.....	\$4,900 37 $\frac{1}{2}$
Disbursements.....	2,297 33 $\frac{1}{2}$
Balance in the treasury.....	\$2,603 03 $\frac{1}{2}$
Whole amount on hand.....	\$3,145 63 $\frac{1}{2}$

The first treasurer of Mero District was Howell Tatum; of the districts of Hamilton and Washington, Landon Carter. The expenses of the first General Assembly were \$2,351.70. For the two years 1805 and 1806 the total amount of revenue collected was \$36,181.72. The disbursements for the same period were \$30,110.18, and the balance remaining in the treasury was \$8,253.19. For the years 1817 and 1818 the receipts were \$118,008.17 $\frac{1}{2}$, the disbursements \$62,689.31, and the balance remaining in the treasury \$83,183.35 $\frac{1}{2}$. These amounts do not include the money set apart for the use of school and academies. In the settlement for 1825-26 an item of \$3,826.50 is charged for the expenses of Gen. Lafayette, a large amount for such a purpose at that time, showing that the State entertained the French hero of the Revolution in a fitting manner. The following is an itemized account of the expenditures for the years 1829 and 1830:

Legislature.....	\$40,965 20
Executive.....	5,687 50
Judges.....	46,004 60
Attorney-general.....	1,909 00
Militia.....	708 88
Public printing.....	12,445 18
Criminal prosecutions.....	23,041 86
County Commissioners.....	1,912 27
Sheriffs' releases.....	3,343 98
Treasurers' commissson.....	5,374 74
Enumeration.....	31 86

Solicitors.....	\$3,518 05
Revenue paid out.....	3,487 53
Wolf scalps.....	2,676 00
Miscellaneous.....	18,171 20

\$169,277 85

The receipts for the same period were.....\$175,986 52

Up to this time the government had been economically administered, and was free from debt. But it seems impossible for any State to emerge from the simplicity of the pioneer organization to the full development of a great commonwealth without incurring liabilities beyond its power to meet at the time they are incurred, and it requires the wisest and most careful management not to overstep the limits beyond which it is impossible to recover. Tennessee has been peculiarly unfortunate in this regard. Drawn into the extravagant schemes of the internal improvement era, she was almost overwhelmed by the losses and disasters of the civil war, and still further embarrassed by the rash and inconsiderate legislation of the reconstruction period; and it is only during the present administration that the question, how to preserve the honor and credit of the State, and yet work no hardship to the taxpayer, seems to have been solved.

The first indebtedness of the State was incurred in 1833, when \$500,000 of bonds were issued for stock in the Union Bank. Under the acts providing for internal improvements and the State Bank the bonded indebtedness rapidly increased. In his message to the Legislature in October, 1839, Gov. Polk presents the following statement of the financial condition of the State: "The whole public debt, exclusive of the internal improvement bonds authorized to be issued by the last General Assembly, and exclusive of the State's portion of the Federal revenue held on deposit, amounts only to the sum of \$1,763,666.62 $\frac{1}{2}$. To meet this the State owns \$646,600 of stock in the Union Bank, \$1,000,000 in the Bank of Tennessee, and \$263,666.66 $\frac{2}{3}$ in internal improvement companies, chartered previous to the last session of the General Assembly. The internal improvement bonds which have been issued under the act of the last General Assembly bearing an interest of 5 per cent amount to \$899,580, making the whole public debt of the State of every description, exclusive of the Federal surplus revenue which she holds on deposit, \$2,663,163.66 $\frac{2}{3}$." The amount of the surplus revenue received by the State was \$1,353,209.55, none of which was ever returned to the General Government.

The repeal of the internal improvement laws in 1840 stopped the issue of bonds to new companies, but as it did not interfere with work already begun bonds to a considerable amount were afterward issued

under these laws, so that the liabilities of the State had increased by October, 1843, to \$3,269,416.66. During the next eight years the growth of the debt was not so great. The only appropriations made except for the necessary expenses of the government, were for the erection of the capitol, two issues of bonds being made under acts of 1848 and 1850. The comptroller's report for 1851 shows the total indebtedness to be \$3,651,856.66, an increase of less than \$400,000 in eight years.

The General Assembly of 1851-52 passed an act directing the Governor to purchase, for the State, 500 acres of land belonging to the estate of Andrew Jackson, including the mansion and tomb. This was accordingly done at a cost of \$48,000, for which bonds were issued. During the same year \$30,000 of bonds were also issued to the agricultural bureau. Additional capitol bonds were issued in 1852, 1854, 1856 and 1860, making the entire amount for that purpose, \$866,000. These bonds with the previous issues, which had not been taken up or canceled, amounted to \$3,896,606.06, which constituted what was known as "the State debt proper," at the opening of the war. This debt bore an annual interest of \$212,383.25. At the same time the bonds loaned and endorsed to the various railroad companies under the internal improvement system, established by the Legislature of 1851-52, amounted to \$13,959,000, the interest upon which was paid by the companies. This was the financial condition of the State in 1861. There were issued to railroads immediately after the war, bonds to the amount of \$14,513,000, making the entire liabilities of the State, including unpaid interest, over \$35,000,000. The settlement of this enormous debt from that time until the present has been paramount to all other questions of legislation. For the history of this subject since the war, this volume is largely indebted to the very thorough *resume* by Gov. Bate in his message to the Legislature of 1883. The first act to provide for the funding of the State's indebtedness was passed November 23, 1865. It authorized and instructed the governor to issue 6 per cent coupon bonds to an amount sufficient to pay off all the bonds and interest past due as well as that to fall due during the two following years. Under this act there were funded \$4,941,000 of bonds. A similar act passed in 1868 provided for the funding of bonds maturing during the years 1868, 1869 and 1870, and under it were issued \$2,200,000 of bonds bearing 6 per cent interest. Under an act of 1852 and its amendments which provided for the substitution of coupon bonds for those without coupons, there were issued \$697,000 of bonds known as "renewals."

In 1873 the Legislature passed another act known as "the funding act" under which various classes and kinds of bonds were funded, and

bonds issued for past due interest upon them amounting to \$6,641,000. So objectionable was this to the people that at the ensuing Legislature all provisions for the payment of interest under this act were repealed.

An act to fund the State debt in bonds at 100 cents on the dollar and 3 per cent annual interest, was passed by the Forty-second General Assembly, and became a law on April 6, 1881. Before this was in full operation it was thrown into the courts by injunction, and finally declared by the supreme court unconstitutional and void; hence no bonds were issued under this act. The same General Assembly was convened in a third extraordinary session, and its labors during this extra session on May 19, 1882, resulted in the passage of what is known as the "60-6 act," authorizing the issue of bonds at the rate of 60 cents on the dollar for the old bonds and the past due interest upon them, payable in thirty years, bearing interest as follows: The first two years 3 per cent; the next two years 4 per cent; then 5 per cent for two years and 6 per cent for the remainder of the time. It was also enacted that the funding should cease after January 1, 1883, leaving all bonds not so funded unprovided for. The act went into effect immediately after its passage, and before it expired by limitation there had been funded under its provisions \$13,706,812.77, nearly one-third of which was made up of coupons. None of these five funding acts were satisfactory to both the people and the creditors. During the entire discussion of this subject there has been much difference of opinion as to the State's moral and legal obligation to pay the debt in full. Many have held that the State should pay the debt in full without regard to the manner in which it was contracted. The sentiments of these persons are expressed by Gov. Porter in a message to the Legislature:

"The settlement of this debt is paramount to all questions of legislation that can engage the attention of the General Assembly; it involves the honor and good name of the State, the credit and honor of every one of its citizens. It is a liability that was voluntarily contracted, and whether it was wisely created or not cannot now be a question. I hold and have always believed that in the light of moral and legal duty, as a question of commercial honor and State pride, the best settlement of the debt for Tennessee would be to pay the entire debt according to the terms of the contract."

Gov. Hawkins expresses the same opinion. He says: "I am free to declare that to my mind there can be no well founded question as to the moral and legal obligation of the State for the ultimate payment of the bonds." A large part of those who entertained no doubts as to the validity of the entire debt considered its payment in full an impossibility.

and that taking into consideration the great loss in revenue to the State occasioned by the war, it would be no dishonor to make the best terms possible with the owners of the bonds. This class in general supported the "60-6 act," and considered it an equitable settlement of the debt.

Others held that the bonds issued to railroad companies, under the act of 1852, formed no part of the State's liabilities, and that the owners of the bonds should look to the companies for their payment.

Another class, and the one which was in the majority, held that the liabilities of the State should be resolved into two parts. The "State debt proper;" and the railroad debt for which the State had pledged its "faith and credit." They asserted that the "State debt proper" in 1882 consisted of the following bonds:

Capitol bonds.....	\$403,000
Hermitage bonds.....	35,000
Agricultural Bureau bonds.....	18,000
Union Bank bonds.....	125,000
Bank of Tennessee bonds.....	214,000
Bonds issued to various turnpike companies.....	741,000
Hiwassee Railroad bonds.....	280,000
East Tennessee and Georgia Railroad bonds.....	144,000
Memphis & La Grange Railroad bonds.....	63,000
Total.....	\$2,118,000

These bonds with the unpaid interest, exclusive of the interest which accrued from April 12, 1861, to May 26, 1865, it was held, should be funded dollar for dollar, and that the new bonds should bear the same rate of interest which the original bonds surrendered bore.

It was contended that the State, as a matter of right and equity, was entitled to a large abatement of the remainder of the debt. The grounds for this were that it was never intended that the State would be called upon to pay the bonds issued to railroad companies: that a large part of those bonds were issued "by authority of legislative acts passed and enforced immediately after the war, and by Legislatures elected at a time when more than one-half, if not three-fourths of all the citizens of Tennessee who had been voters were disfranchised;" and that the purchasers of the bonds so issued on account of this irregularity in State government at the time of their issuance and sale bought them at greatly reduced prices. It was therefore considered equitable to creditors and the State alike to fund this part of the debt with the unpaid interest, exclusive of that which accrued during the war, 50 cents on the dollar and 3 per cent interest. The only exception was that the bonds, no matter of what issue, held by literary, educational, and charitable institutions; also those owned by Mrs. James K. Polk should be funded dollar for dollar at 6 per cent interest.

This plan of settlement was embodied in the platform adopted by the Democratic State Convention in June, 1882. Upon that platform the canvass was made, and at the ensuing election a large majority of the votes were cast in its favor. Thus sanctioned by the people the Governor reviewed the plan in his message to the Legislature, and a bill in accordance with its provisions was passed March 15, 1883. At that time, according to the closest calculation, the entire indebtedness of the State including principal and interest amounted to \$28,786,066.39. Of this sum the State debt proper bonds and other bonds to be funded at 6 per cent made up \$2,783,150, leaving \$26,002,916.39 to be funded at 50 cents on the dollar and 3 per cent interest. This makes the total bonded indebtedness of the State,* under operation of the act of 1883, about \$15,784,608.19. The funding board consisting of the governor, comptroller and treasurer began its work in July, 1883, and on March 8, 1886, bonds to the amount of about \$19,000,000 had been funded.

Since this plan of settlement is stamped with the approval of the majority of the citizens and taxpayers, and as the progress of funding evidences the acquiescence of the creditors of the State, it is probable that the question has been definitely settled. Should all the bonds be presented for funding, the State will ultimately have to pay \$492,390 interest annually. The decisions of the courts making the State liable for the payment of the notes of the old Bank of Tennessee have added nearly \$1,000,000 to the debt within the past two years. An act of the Legislature of 1883 provides for the issue of treasury certificates to take the place of bank notes. It also directs that \$200,000 of these certificates should be taken up annually in the payment of taxes. No steps have yet been taken toward paying the bonded indebtedness, but it will undoubtedly be a question for next Legislature. The bonds issued under the funding act of 1883 are made payable in thirty years and redeemable at the pleasure of the State. With a continuation of the present prosperous and healthy growth, and with wise and economical management of the government, the State, at the expiration of the thirty years, will have no debt to refund.

After the passage of the ordinance of secession, in May 6, 1861, the Governor was authorized to issue \$5,000,000 of bonds bearing 8 per cent interest payable in ten years. Only two-fifths of these bonds were sold, the remaining three-fifths being held as contingent, subject to the orders of the Governor and the Military and Financial Boards. The following month the act was amended and the Governor authorized to issue treasury notes in denominations of from \$5 to \$100 bearing 6 per cent interest in lieu of the \$3,000,000 of bonds.

*Gov. Bate. Message of January 12, 1885.

The first bank in which the State became a stockholder was incorporated by an act of the General Assembly, November 20, 1811, under the name of the "President, Directors and Company of the Bank of the State of Tennessee." The charter provided that the capital stock should not exceed \$400,000, divided into shares of \$50 each. Subscriptions for stock were opened on January 1, 1812, in Knoxville, and in the following counties: Sullivan, Carter, Washington, Greene, Cocke, Jefferson, Hawkins, Sevier, Blount, Grainger, Claiborne, Anderson, Campbell, Roane, Rhea and Bledsoe, to each of which were assigned 440 shares. The State became a stockholder to the amount of \$20,000, but reserved the right to withdraw at the end of ten years. The subscriptions were payable in gold or silver, and divided into eight equal installments. As soon as \$25,000 was paid in the stockholders met in Knoxville and elected officers, except one director, who was named by the governor.

The main bank was located at Knoxville, with branches in Clarksville, Columbia and Jonesboro. No notes of less denomination than \$5 could be issued until 1815, when the limit was reduced to \$1. The bank was chartered for a period of thirty years, but continued only until 1828, when it began to close up its affairs, which was accomplished about three years later.

During the year 1820 the people of Tennessee, in common with those of the other Western States, experienced their first financial panic, and so disastrous were the consequences that Gov. McMinn convened the Legislature in extra session to provide some means of relief. Accordingly, on July 26 of that year, an act was passed "to establish a bank of the State of Tennessee, for the purpose of relieving the distresses of the community, and improving the revenues of the State." The capital stock was fixed at \$1,000,000, in bills payable to order or bearer, to be issued on the credit and security of the borrower, and the whole to be warranted by the State on the proceeds of the sales of public lands. The treasurers of East and West Tennessee were ordered to deposit all the public moneys in the bank, and the governor was authorized to issue stock bearing 6 per cent interest, to an amount not exceeding \$250,000. A branch bank was established at Knoxville, to which was allowed four-tenths of the capital stock. An agency was also established in each county in the State formed previous to the year 1819. The president and directors, ten in number, were elected on a joint ballot of the Legislature. The officers were instructed to put the bank into operation by the 15th of the next October, and to issue \$500,000 in bills of denominations of not less than \$5 nor more than \$100. Provision was afterward made for the issue of \$75,000 in fractional notes. According to

the charter either the Nashville Bank or the bank at Knoxville, or both, together with their branches, could consolidate and incorporate themselves with the State bank, but this they were unwilling to do.

The bank began business at the appointed time, and at first seemed to meet the expectations of its founders, but its capital having been distributed over the State, large amounts were lost by the defalcations of the county agents, and to add still further to its embarrassment, the cashier of the main bank, Joel Parrish, in 1832, was found to have permitted overdrafts to the amount of about \$80,000, the greater part of which was lost. On account of the number of branches, or agencies, this bank was sometimes referred to as the "Saddle Bags Bank." Gov. Carroll, in his message to the Legislature in 1833, discussed the subject at considerable length, and advised the closing of the bank, wisely adding that "the establishment of banks for the purpose of relieving the people from pecuniary distress, is, in most cases, ruinous to those who avail themselves of such relief."

In conformity with the recommendation of the Governor, the Legislature, during the session, passed an act abolishing the bank, and providing that its funds should be deposited in the Union Bank, then just incorporated. The capital stock of the latter bank was limited to \$3,000,000, of which the State subscribed \$500,000, in her own bonds, due in fifteen, twenty, twenty-five and thirty years, bearing 5 per cent interest. In consideration of this support the bank agreed to pay annually to the State a bonus of one-half of 1 per cent on the capital stock paid in. The bank began business March 4, 1833, and from that time until the civil war was one of the leading monetary institutions of Tennessee. Its stock was mainly held by Eastern capitalists, over 10,000 shares having been taken in Philadelphia.

In 1846 the president of the Bank of Tennessee was authorized to dispose of the State's stock in the Union Bank, then amounting to \$640,000, provided he could obtain for it an amount sufficient to pay off the bonds issued to the bank. This could not be accomplished, and the State still had \$125,000 of those bonds when the bank went out of existence. The Planter's Bank, contemporary with the Union Bank, did an equally extensive business, but received no aid from the State.

In 1817 a petition for the location of a branch of the United States Bank at Nashville was signed by a number of the leading men of the State and forwarded to Washington, but before it was considered, the General Assembly passed a law forbidding the opening of such a bank in Tennessee. Ten years later the law was repealed and the bank, with a nominal capital of \$1,000,000, was established. It continued to do busi-

ness until 1832 when President Jackson's veto of the bill re-
United States Bank necessitated the closing of its doors.
like the Union and Planters, were established to take its place.
astrous system of over-banking and consequent over-trading
result.

The contraction in the currency and the great depression
following the panic of 1837, induced the Legislature to establish
of Tennessee. By an act passed January 19, 1838, this bank was
chartered in the name and for the benefit of the State, and the im-
port of which the faith and credit of the State were pledged. The
stock was fixed at \$5,000,000, to be raised and constituted by
The whole of the common school fund, the proceeds of the
Ocoee lands, the surplus revenue on deposit with the State, and a
tional sum in specie or funds convertible into specie raised
of the State, sufficient to make up the \$5,000,000. The bank was
authorized to issue bonds to the amount of \$2,500,000, for
years, bearing 6 per cent interest, payable semi-annually,
so provided that the bonds should not be sold at less than their
value, and it was with the greatest difficulty that any of the bonds
posed of, the "faith and credit" of all the Western States at the
ing at a very low ebb. The American Life Insurance Company of
pany of New York finally purchased two-fifths of the bonds, the re-
mainder were held by the bank for several months, when they were
dered to be canceled.

The location of the branch banks was left to the directors, but
considerable dissatisfaction in distributing them. The first branches
were Rogersville, Athens, Columbia, Shelbyville, Clarksville,
and Summerville. Another at Sparta was afterward created. The bank
went into operation in the early part of 1838 with a capital of
derived from the sale of bonds and \$90,893.71 of school fund. On
1, 1839, this had been increased to \$2,073,356.45 by the sale of the
surplus revenue, and the proceeds of the Ocoee lands. The issue of
of notes in specie had been suspended by the other banks since
1837. January 1, 1839, a general resumption of specie payments
place, but the movement was found to be premature, and in
ing October another suspension occurred. At that time the
had just assembled, and Gov. Polk devoted nearly the whole of his
message to a discussion of the financial difficulties. He stated that
banking capital of the State exceeds \$10,000,000, and dis-
tempt to increase it. He refers to the recent suspension of pay-
ments as a matter of great regret, and adds that "the only

and permanent relief is to be found in habits of economy and industry, and the productive labor of our people."

In compliance with a resolution adopted by the next General Assembly, the banks on January 1, 1843, once more began the redemption of their notes in specie, and the succeeding ten years were the most prosperous in their history. Especially was this the case with the Bank of Tennessee, which was carefully managed, and was looked upon with pride by the citizens of the State. The Legislature of 1851-52, however, began the ruinous policy of granting charters to a large number of banks, the most of which were founded upon fictitious capital. Each issued its paper to any extent that it could be disposed of, at no matter how great a discount. The volume of currency thus unduly expanded, the credit of the old banks was impaired and their profits reduced. This extravagant system of over-banking, which had invaded every State in the Union, culminated in the panic of 1857, in which the experiences of twenty years before were renewed. Gov. Johnson foresaw this result, and in his message to the Legislature in 1853 he advised the gradual closing up of the business of the State bank. This advice he renews in his messages of 1855 and 1857. In the last he gives a report from the directors of the bank in which they state that they have come to the conclusion with great unanimity, "and from a settled conviction, that the best interests of the State require it, that the Bank of Tennessee should be put into liquidation and its concerns closed at as early a period as the convenience of the citizens will allow." These recommendations were disregarded by the Legislature. Had they been acted upon, and the bank closed up, a large reduction of the State debt would have been effected. In October, 1857, the Bank of Tennessee suspended specie payment and began to curtail its business. The other banks did likewise. This was continued until 1861, when the exigencies of war required an increase in the circulating medium, and a law was passed compelling them to reverse their policy. Accordingly large issues of new notes were made, the circulation of the State bank, on September 1, 1862, reaching \$4,710,666.

When the Federal occupation of the State became imminent the banks were given permission to carry their assets into other States. The Bank of Tennessee was transferred to Georgia, and its specie deposited at Atlanta, where it afterward fell into the hands of the United States authorities. After the removal of the bank from Nashville its assets, to the amount of over \$8,000,000, were converted into Confederate bonds, coupons and treasury notes, which of course became valueless upon the restoration of peace. Gov. Brownlow, in his message of 1865, advised

the closing up of all existing banks, declaring them insolvent, and severely criticising their management previous to the war. In February, 1866, an act "to wind up and settle the business of the Bank of Tennessee" was passed. Six directors were appointed for this purpose, who were instructed to receive in payment for debts due the bank United States currency, or notes of the bank issued prior to May 6, 1861. The notes issued after that date were known as "New Issue" or "Torbett Issue," from the name of the president, G. C. Torbett, elected May 9, 1861. These were declared utterly void.

In May, 1866, by appointment of the chancery court, S. Watson became the trustee of the bank, and then began a series of litigations extending over a period of twenty years. The act closing the bank gave the school fund the preference in the distribution of assets over all other creditors. The depositors secured a decision of the supreme court against the validity of this act, and the holders of the "New Issue" demanded the redemption of their notes, also obtained a favorable decision. The assets of the bank were not sufficient to redeem these notes, and the State is compelled to receive them for taxes. The amount of the "New Issue" has not yet been definitely determined, but it is not far from \$1,000,000, treasury certificates having already been issued for nearly that amount. According to the constitution adopted in 1870, the founding of a bank by the State is prohibited. Section 31, Article 2, reads as follows: "The credit of the State shall not be hereafter loaned or given to, or in aid of any person, association, company, corporation or municipality. Nor shall the State become the owner in whole, or in part, of any bank, or a stockholder with others in any association, company or municipality."

In 1875 some effort was made to amend the constitution and establish another State Bank. Comptroller Burch in his report in 1874 advocated this measure. He proposed that the State issue \$5,000,000 of bonds, which he thought could be sold at 90 per cent. This would yield \$4,500,000 as the capital stock of the bank, and an issue of notes could then be made to the amount of \$13,500,000, on the basis of \$3 circulation to \$1 of capital. This scheme received but little support, and it is not probable that so long as the present system of national banks is maintained, the people of Tennessee will care to renew their experience with State banks.

The early pioneers depended upon trails and streams for their routes of travels, but with the growth of the settlements better means of communication became a necessity. Streams that were navigable for canoes and small boats might be entirely unfit for commercial purposes until

the obstructions which had accumulated for centuries were removed. The narrow trails winding through the forest over hills and down deep ravines were impassable to the vehicles of civilization.

So early as November, 1785, the General Assembly of North Carolina adopted measures for the better protection of the Cumberland settlements, which from their isolated position were peculiarly exposed to Indian depredations. It was enacted that 300 men should be embodied for the protection of those settlements, and that when assembled at the lower end of Clinch Mountain the troops should cut and clear a road from that point by the most eligible route to Nashville, making the same ten feet wide and fit for the passage of wagons and carts.* During the year the road, as directed in the act, was opened. Hereafter, instead of by the long and circuitous route through the wilderness of Kentucky, the people from the Atlantic section reached the Cumberland through the new road which ran by the way of the Crab Orchard and the Flat Rock. Two years later the road was found insufficient for the purposes of the vast immigration which was pouring into the country. Accordingly at the representation of the members from Davidson and Sumner Counties the General Assembly of North Carolina authorized the militia officers of these counties to appoint two or more persons to examine, survey and mark out the best and most convenient way from the lower end of Clinch Mountain to the settlement of Cumberland, and to order out the militia of these counties to cut and clear the road so marked. The regiments were ordered to be divided into classes and parts of classes, beginning with the first, and so on in rotation, till the road should be cut. A tax was also assessed to defray the expense of opening the road. Under the provisions of this act the old road was widened and cleared, and a road leading into it was soon afterward cut from Bledsoe's Lick. The following year provision was made for still further improving these roads, and also for exploring the route making a road through the wilderness lying between the Cumberland settlement and the Holston counties. From this time, as the exigencies of the country demanded, other roads and channels of communication were opened, and as the country still further filled up and developed the question of internal improvement became one of the most important topics for the legislators. Under that head were included the construction of roads, the improvement of rivers and harbors, and later the building of railroads. For several years after the adoption of the United States Constitution there was much difference of opinion as to the right of the National Government to appropriate money for this purpose, the Federalists as a party

* Ramsey.

favoring it, and the Republicans advocating the opposite policy. The opinion of the former finally prevailed, and a system of internal improvement was inaugurated. The General Government, however, undertook only works of national importance, while those of a more local nature were left to the individual States.

The agitation of this subject after the organization of the State was begun as early as 1801, during the administration of Gov. Sevier, who, as well as all the governors succeeding him to 1837, made it a special point in their messages to the Legislature to urge the adoption of measures for the construction of highways and the improvements of the navigable streams. The delay in making appropriations for this purpose was occasioned by the opinion prevalent among the farming community that it would be to the exclusive interest of the commercial class.* Gov. Carroll, in his message to the Legislature of 1829-30, after reviewing the work done by the General Government and some of the other States, asks: "With these bright examples before us, does it become Tennessee to be idle?" The Legislature undoubtedly thought that this interrogatory deserved a negative answer, as they appropriated \$150,000 for removing the obstructions in streams, and for other improvements. Six commissioners were elected to constitute a board of internal improvements, with power to appoint a civil engineer to superintend the work; \$30,000 was to be used in West Tennessee, and the remainder divided equally between the other two divisions of the State.

The constitution of 1834 declared that a well regulated system of internal improvements is calculated to develop the resources of the State, and to promote the happiness and prosperity of the people, therefore it ought to be encouraged by the General Assembly. In 1836, in compliance with the above section of the constitution, a general system of internal improvements was established. The act provided that when two-thirds of the capital stock of any company, organized for the purpose of constructing any railroad or macadamized turnpike within the limits of the State, had been subscribed, the Governor, in behalf of the State, should subscribe the remaining one-third, and issue bonds bearing $5\frac{1}{2}$ per cent interest; therefore with the founding of the Bank of Tennessee a more extended system was adopted. Under this scheme the State became subscriber for one-half of the stock in all railroad and turnpike companies, provided that the whole amount of stock taken by the State had not reached \$1,000,000. The profits arising from the State stock, in the various companies, was set apart to constitute a fund for the redemption of the bonds issued. In addition to the above

*McMinn in his message to the Legislature in 1817.

\$800,000 was appropriated for improving the navigation of rivers, to be divided equally among the three divisions of the State. Under these acts there were issued to the various turnpike companies bonds to the amount of nearly \$1,500,000, and to railroads, about \$800,000.

By the latter part of 1839 a reaction had set in against the internal improvement schemes. It was found that the State was becoming heavily involved in debt, and that the results were not commensurate with the outlay. Many of the improvements were of permanent value and general importance, but the law was open to abuse, and charters were frequently granted for local and unimportant work. The profits arising from these companies were small, and the bonds issued to them still form a part of the State's indebtedness. Had the charters been granted with greater discrimination, and the work placed under efficient superintendency, the results would have been more satisfactory.

In January, 1840, all the laws authorizing the Governor to subscribe stock on behalf of the State in internal improvement companies were repealed. This, however, was not to interfere with any work heretofore commenced and carried on in good faith. The governor, comptroller and attorney-general were constituted a board to examine the reports of special commissioners, and to decide upon the policy of completing any work already begun. This board was afterward made to consist of the comptroller, secretary of state and the president of the Bank of Tennessee.

No more aid was granted to corporations by the State until 1852, when the Legislature again passed an act creating a general system of internal improvements. It provided that when railroad companies had graded a certain amount of track, that bonds, to an amount not exceeding \$8,000 per mile (afterward increased to \$10,000), should be issued to equip the roads. For the security of this loan, the State held a lien upon the road and its franchises. The companies were required by the act and its amendments to provide for the payment of the coupons on the bonds as they matured, and also a sinking fund to pay the bonds themselves. This, at the time the bonds were issued, it was thought the companies would be able to do; and it is probable, had the war between the States not occurred, the public expectation would have been realized.* In any case, it appeared as if the State's investment was sufficiently secured, since the lien which was held upon the roads was in the nature of a first mortgage, and took precedence over all other claims. But the general depreciation in values, and the unproductive character of much of the property rendered the sale of the roads, at anything like their actual cost, impossible. From the statement of Gov. Bate, it appears that

*Governor Bate.

twelve railroads, to which \$20,502,684 of bonds had been issued, were sold under judicial proceedings instituted by the State, with a loss to the State of \$13,804,684. The following are the roads with the respective amounts annexed to each, which made up the sum of this loss.

	Amt. issued to road.	Amt. for which road sold.
Memphis, Clarksville & Louisville.....	\$2,953,795	\$1,700,000
McMinnville & Manchester.....	1,091,578	300,000
Nashville & Northwestern.	4,541,129	2,400,000
Edgefield & Kentucky.....	2,081,429	900,000
Knoxville & Kentucky.....	2,816,176	350,000
Cincinnati, Cumberland Gap & Charleston.....	1,657,208	300,000
Winchester & Alabama.....	1,790,536	300,000
Rogersville & Jefferson.....	532,013	23,000
East Tennessee & Western North Carolina.....	448,000	20,000
Tennessee & Pacific.....	1,220,530	300,000
Knoxville & Charleston.....	816,500	150,000
Southern Railroad Company.....	553,790	.....
Totals.....	\$20,502,684	\$6,698,000
Loss on sale.....		\$13,804,684

Under the various internal improvement laws there was granted, or loaned to railroad companies, bonds to the amount of over \$29,000,000, for the whole of which the State became responsible. If the amount which the State received from these roads is alone considered, the investment must be regarded as a gigantic failure, but the benefits resulting indirectly from these roads should not be overlooked. Gov. Hawkins, in discussing this subject, used the following language: "Subsequent results demonstrate the wisdom and foresight of the projectors of this grand system of internal improvement in our State. Under the encouragement which was thus given, various railroads were projected and constructed within the borders of our State. As rapidly as the several companies could meet the conditions of the law, the bonds were issued, placed upon the market and sold. Our State immediately, as if awakened to a new life, took rapid strides in prosperity. The aggregate value of taxable property in the State, as shown by the comptroller's report for 1855, was \$219,012,051.81. In 1861 it had increased to \$368,202,050, a gain of \$149,189,998 in six years."

No bonds were granted to railroad companies after 1867, and the constitution of 1870 forbids the loaning or giving of the credit of the State to any corporation or company, although it reaffirms the section of the old constitution which declared that a well regulated system of internal improvement is calculated to develop the resources of the State and to promote the happiness and prosperity of the people, therefore it ought to be encouraged. The constitution of 1870 also prohibits the State

from becoming a stockholder in any company. This, however, does not interfere with the rights of counties or incorporated towns to vote aid to railroads or other enterprises of a like character. Previous to May 26, 1886, the principal railroads of the State, with the exception of the Illinois Central system and the Mobile & Ohio, were five feet gauge. The question of reducing them to a conformity with the standard gauge had been agitated for several years, but nothing in this direction was done until the spring of 1886, when a convention of railroad officials was held in Atlanta, Ga., and the matter taken up in earnest. It was decided by the convention to adopt the gauge of the Pennsylvania Road, which is four feet and nine inches, and during the last week in May the change was made. The Mobile & Ohio Road changed its gauge in the fall of 1885.

The following table shows the receipts and disbursements of the State government from 1837:

YEAR.	Receipts.	Disbursements.	Balances
October 1, 1837.....	\$ 231,596 63	\$ 156,159 32	\$ 75,437 31
October 1, 1839.....	533,920 73	429,758 61	116,599 43
October 1, 1841.....	543,739 79	470,748 75	129,299 47
October 1, 1843.....	478,022 01	623,737 27	38,875 21
October 1, 1845.....	576,942 71	506,688 49	109,229 52
October 1, 1847.....	710,907 61	642,314 32	177,291 73
October 1, 1849.....	790,695 53	802,436 66	152,198 11
October 1, 1851.....	1,004,001 94	933,431 25	222,771 29
October 1, 1853.....	1,202,047 04	1,218,287 04	206,431 80
October 1, 1855.....	1,035,715 22	1,154,307 79	87,529 23
October 1, 1857.....	1,451,175 87	1,502,519 04	36,496 96
October 1, 1859.....	1,848,094 88	1,704,287 61	180,303 33
October 1, 1865*.....	129,991 38	139,619 15	.....
October 1, 1866.....	1,098,970 55	1,128,956 86	.....
October 1, 1867.....	3,508,586 91	2,918,652 68	589,959 54
October 1, 1869.....	5,386,537 56	5,858,004 06	28,629 42
October 1, 1871.....	3,590,926 95	3,142,282 01	159 44
October 1, 1871, to December 3, 1872.....	2,420,091 17	2,432,858 00	159 44
January 1, 1872, to December 20, 1874.....	3,618,703 52	3,290,158 41	328,704 55
December 20, 1876.....	4,526,422 76	4,715,795 12	189,822 19
December 20, 1878.....	2,000,882 64	1,661,869 79	478,346 64
December 20, 1880.....	1,144,349 82	1,400,316 47	222,424 38
December 20, 1882.....	1,870,224 02	1,584,633 33	508,615 8
December 20, 1884.....	2,194,886 98	1,765,072 38	645,214 82

*From May to October 1.

The history of railroad enterprises in Tennessee is one of singular and absorbing interest. The movement toward awakening public interest in railroad construction, occurred as early as the year 1835, when in the language of Gov. Cannon, "the spirit of internal improvement was abroad in the land." During that year Col. Robert T. Hayne, of South Carolina, whose debate with Daniel Webster on the Foster resolutions gave him a world wide reputation, visited Nashville, and in an able address advocated the construction of a railway from Memphis to Knoxville, thence to Charleston, S. C., so as to connect the sea-board with

the Mississippi River, the great inland route of navigation. No attempt however, was made to put the plan into operation.

A second effort was made the next year by William Armour, representative to the Legislature from Shelby County, to unite the Mississippi with the sea-board by constructing a line "from the most eligible point on said river, as near the center of the State as practicable, to the Tennessee River; thence near the center of the State to a point on the Virginia line." October 10, 1836, a convention was held in the Federal court room at the capitol for the purpose of discussing the subject of internal improvement. Sixteen counties was represented, and Col. Robert Allen was chosen chairman. The session lasted four days, during which time a resolution advocating the construction of the above road was adopted. The subject was presented to the Legislature, which was in session at that time, and \$15,000 was appropriated for surveying a route for the "Central Railway." Albert M. Lea was appointed chief engineer, with instructions to survey the line through the State, and to estimate the cost of both a single and double-tracked railway; also, the comparative cost of a turnpike over the same route through Middle and East Tennessee. His estimate placed the cost of a single-tracked road from Perryville, on the Tennessee River, to the Virginia line, at \$6,421,718.60, and for the the entire distance, 500 miles, at \$7,841,718.60. A double-tracked road over the same route, he thought would cost \$11,154,968.60. He also estimated the receipts and expenditures of such a road. Through Middle and East Tennessee he placed the number of passengers to be carried at an average of 100 per day each way, which at 5 cents per mile would produce a yearly income of \$1,370,575. The same number of tons of freight, at 6 cents per mile, would produce \$1,644,690, a total of \$3,015,265. The cost of carrying the passengers at $\frac{1}{2}$ cent per mile, and freight at 1 cent per mile, would amount to \$696,565, which added to the cost of repairs, \$659,298.11 makes a total annual expenditure of \$1,355,863.11, leaving a net revenue of \$1,659,401.49. The estimates for West Tennessee are made on the same scale, except that the rate for carrying freight is fixed at 3 cents per mile, and the amount of business is placed at only one-half that of the other division of the State. The net earnings of this part of the road would thus amount to \$214,615.96.

These estimates both as to the construction and operation of such a road, would scarcely coincide with those of an experienced railroad operator of to-day, and they serve to illustrate how little was then known about such enterprises. Railroads were projected on a grand scale, but seemingly with little regard to the demands of the trade and commerce of sections through which they were to pass, or the comparative cost of

construction over a less direct route. The engineer of the above road strongly advocated its construction, but the great financial crash of that year rendered a successful movement in that direction impossible.

During the same year that the Central Road was projected a charter was procured for the Hiwassee Railroad, through the influence of Gen. James H. Reagan, representative to the Legislature from McMinn County. The charter required that stock amounting to \$300,000 should be subscribed within two years. On July 4, 1836, a railroad convention composed of delegates from all the Northern States, Maryland and the Southern States met in Knoxville; Robert T. Hayne, of South Carolina, was made president. The convention adopted measures for the construction of a road from Cincinnati or Louisville, through Cumberland Gap, up the French Broad River and on to Charleston. This route was not satisfactory to the delegates from Georgia and lower East Tennessee. The delegates from McMinn County, one of whom was T. N. Vandyke, brought to the notice of the Georgia delegation the Hiwassee charter.

Upon a conference it was decided that by adopting this route, a road from Knoxville, through Georgia to Charleston, could be put into operation before the work would commence on the Cumberland Gap route, and it was agreed that the McMinn County delegation should go home, open books and secure subscriptions, while the members from Georgia should procure a charter from their State, and meet at the State line.

The delegates from McMinn, upon their return home, set immediately to work, but it was a new enterprise and one not well understood by the people. The taking of stock advanced so slowly that, in order to prevent the forfeiture of the charter, six residents of McMinn County, Gen. Nathaniel Smith, Onslow G. Murrell, Ashbury M. Coffey, James H. Tyffe, Alexander D. Keys and T. N. Vandyke, agreed to subscribe each \$100,000. Upon examination of the subscription books, it was found that \$120,000 of stock had been taken, so that the subscription of the six men named had to be reduced to \$80,000 each. These men refused to permit an organization of the company until they could distribute their stock in such a manner that the stockholders could meet the calls without embarrassment. This was accomplished within a year, and an organization was effected with Solomon P. Jacobs as president and Ashbury M. Coffey secretary and treasurer. J. C. Trautwine, of Philadelphia, was engaged as chief engineer. The road was surveyed and ground was broken two miles west of Athens, in 1837, being the first work ever done on a railroad in the State. With the exception of a few intervening gaps, the road was graded from the State line to Loudon, and a bridge built over the Hiwassee River. Meantime it was ascertained that

\$600,000 was insufficient to build the road, and upon application to the Legislature, the State agreed to subscribe stock to the amount of \$650,000 in 5 per cent State bonds to be paid upon call *pari passu*, with the payments of the individual stockholders. The financial embarrassments of 1837 compelled a suspension, and the company was forced to execute a deed of trust, authorizing the sale of the road. The State filed a bill enjoining the trustees from acting under the deed, and sought to amend the charter. The suit was carried to the supreme court and finally decided against the State. The debts amounted to about \$130,000, and the sum due from the State upward of \$80,000, but by skillful management the debts were all compromised and liquidated by the creditors taking one-half of the debt in 5 per cent State bonds, and the remainder in the stock of the company at par. After various unsuccessful attempts to procure money to complete the road, the company finally made a contract with Gen. Duff Green, who agreed upon certain conditions to build the road from Dalton, Ga., to Knoxville. Gen. Green after doing a considerable amount of work failed and surrendered his contract. The company then entered into a contract with William, Grant & Co., who finished the road from Dalton to the Hiwassee River. J. G. Dent & Co. built the road from there to Loudon in 1852, and in 1856 the portion from Loudon to Knoxville was completed. Through repeated failures, delays and litigations the name "Hiwassee" became so obnoxious that in 1848 it was changed to East Tennessee & Georgia.

In 1852 the East Tennessee & Virginia Railroad was chartered. The portion of this road in Tennessee extended from Knoxville to Bristol on the Virginia line, and formed a connecting link between the two great systems of roads those in the Northeast, and those of Alabama, Georgia and South Carolina. It was completed in 1858, and later was consolidated with the East Tennessee & Georgia, under the name of the East Tennessee, Virginia & Georgia.

The first railroad chartered by the Legislature was the La Grange & Memphis. The company was incorporated in December, 1835, and was soon after organized. Subscriptions to the amount of \$250,000 were made by individuals, and, in accordance with the act of 1835, the governor subscribed \$125,000 on behalf of the State. The road was located in September following, and during 1837 the grading of the track was begun. Owing to financial embarrassments and inexperience on the part of the management, the work progressed slowly, and after dragging along for several years, was finally abandoned. February 2, 1846, a charter was granted to the Memphis & Charleston Railroad, authorizing a capital stock of \$500,000, and under the persevering efforts of Ex-Gov.

James C. Jones, the first president, Col. Sam Tate, Joseph Lenow, Minor Meriwether and others, was brought to a successful completion in 1857. In constructing the road the old road bed of the La Grange & Memphis was purchased and utilized.

The Nashville & Chattanooga Railroad was constructed simultaneously with the building of the Memphis & Charleston. This enterprise originated with Dr. James Overton, a man of remarkable sagacity and undaunted resolution. During a contest for legislative honors in 1843, he advocated the building of a road from Nashville to Chattanooga to connect with the Western Atlantic, a road chartered about ten years previous to that time. He failed to enlist any considerable support in what was then looked upon as a visionary scheme, and on account of his enthusiastic advocacy of the project, he was dubbed "old Chattanooga." Although the efforts of Overton were barren of any immediate results, yet they served to direct public attention to the advantages of railroads. About 1845 the depression which had prevailed so long in business circles began to be relieved. The growing trade of Nashville demanded other outlets than that afforded by the Cumberland River. Other portions of the State began to awaken to the necessity of providing better means of transportation, and in this they were stimulated somewhat by the action of Georgia in chartering a road to run from Augusta to Chattanooga. The subject was brought before the Legislature, and under the pressure of influential citizens of Nashville, an act was passed December 11, 1845, to incorporate "a railroad from Nashville on the Cumberland River, to Chattanooga on the Tennessee River." The internal improvement laws having been repealed, no State aid was granted to this road at that time, but an act passed by the next Legislature authorized the mayor and aldermen of Nashville to subscribe \$500,000 to the enterprise. This measure met with considerable opposition, and a bill was filed in chancery to enjoin the subscription to the road or the issuing of bonds by the corporation. On appeal it was taken to the supreme court, and finally decided at the December term, 1848. The opinion delivered by Judge Turley decided that the Legislature of Tennessee had the constitutional power to authorize the corporation of Nashville to take stock in the Nashville & Chattanooga Railroad, and that the making of this road was a legitimate corporate purpose of the corporation, acting under the authority of the act; thus sustained by the court's decision, the city voted the \$500,000 to be expended in the construction of the road. During the two years previous the subject had been thoroughly canvassed throughout the city and a strong public sentiment had been enacted in favor of the enterprise. Most prominent among those to whom this result was

due was Vernon K. Stevenson, and upon the organization of the company in 1848 he was elected its president, which position he held until the breaking out of the civil war. In addition to the amount obtained from the corporation of Nashville, he secured a subscription of an equal amount from Charleston, S. C., \$250,000 from the Georgia Railroad & Banking Company, and \$30,000 from the corporation of Murfreesboro. which enabled him with the private subscriptions that were afterward received, and the aid which the State rendered by endorsing the company's bonds, to enter upon the work of construction. The first passenger train on the road was run out as far as Antioch, April 13, 1851, and the first through train ran into Chattanooga January 18, 1853. In 1860 the company leased the Nashville & North-Western Railroad for a term of six years, but before the lease expired, a two-thirds interest in the road was purchased from the commissioners appointed by the Legislature and the chancery court to sell delinquent railroads in the State, individuals in Tennessee and New York taking the other one-third. Subsequently the directors of the Nashville & Chattanooga bought the one-third interest held by individuals, and that company now owns the entire road from Chattanooga to Hickman, Ky., together with its branches. The name of the consolidated road is the Nashville, Chattanooga & St. Louis.

The Nashville & North-Western was chartered as early as 1852, but subscriptions to it were secured with difficulty, and the work of construction was not begun for several years. When the war opened only a little over thirty miles had been graded, and only that portion between Nashville and Kingston Springs was in operation. During the war the United States Government, for military purposes, built the road to the Tennessee River at Johnsonville. At the close of hostilities application was made to the Legislature for the amount due the road under the then existing laws. This was granted, and the road was completed during the latter part of 1868.

The Nashville, Chattanooga & St. Louis Railroad has several branches. The Winchester & Alabama, and the McMinnville & Manchester were both chartered in 1850, but neither was completed for several years. In 1872, upon their failure to pay the interest on the bonds issued by the State in aid of their construction, they were sold to the Memphis & Charleston Railroad. The Tennessee & Pacific, another branch, was projected to run from Nashville to Knoxville, but financial embarrassments checked its progress, and it was completed only to Lebanon, a distance of thirty-one miles. It was incorporated in 1866, and work of construction was begun in 1869.

One of the largest corporations in the South at the present time is the Louisville, Nashville & Great Southern Railroad. The lines forming this system were built under separate charters, and afterward consolidated. The road connecting Louisville and Nashville, which forms the main stem, was chartered in 1851, and was opened for business in 1859, the first train through from Louisville having passed over the bridge into Nashville on September 28 of that year. The Memphis branch, extending from Bowling Green, Ky., to Memphis, embraces the Memphis & Ohio, and the Memphis, Clarksville & Louisville Railroads. The former was chartered February 4, 1852, under the name of the Nashville & Memphis Railroad. Two years later, by Legislative authority, the name was changed to the Memphis & Ohio, and in May, 1860, the road was completed from Memphis to Paris. In 1871, in order to prevent the sale of the road by the State the Louisville & Nashville Company loaned to the Memphis & Ohio State bonds sufficient to pay off its debt to the State, and the two roads were then consolidated. The Memphis, Clarksville & Louisville Railroad received its charter January 28, 1852, and the road was opened in September, 1861. July 1, 1865, the company having defaulted on the interest on the State bonds loaned to them, a receiver was appointed, and the road continued to be operated by receivers from that time until 1871, when it was purchased by the Louisville & Nashville Company for the sum of \$1,700,000.

The Edgefield & Kentucky Railroad, extending from Nashville to Guthrie, Ky., was chartered February 13, 1852, and finished in 1860. This road formed a part of the Evansville, Henderson & Nashville Road which was not entirely completed until 1872. The line was then consolidated with the Nashville, Chicago & St. Louis Railroad into what was known as the St. Louis & Southeastern. In 1879 the Louisville & Nashville Company purchased the whole line, and it is now operated as the St. Louis division of that company's system. Another important division is the Nashville & Decatur. This was formed in 1866 by the consolidation of the Tennessee & Alabama, the Tennessee & Alabama Central, and the Central Southern Roads. The Tennessee & Alabama was chartered in 1852 to run from Nashville by the way of Franklin to the Alabama State line, in the direction of Florence, but in 1858 the company asked authority to terminate the road at Mt. Pleasant, which request was granted. In 1853 the Central Southern Railroad Company was incorporated for the purpose of constructing a line from Columbia, Tenn., to the Alabama State line in the direction of Decatur. This line was completed November 20, 1860. May 4, 1871, the consolidated roads were leased by the Louisville & Nashville Railroad Company for a period of thirty years.

The Mobile & Ohio Railroad extends from Mobile, Ala., to the Ohio River at Cairo, entering Tennessee from the south near Corinth, Miss. It was originally projected to strike some point on the Tennessee River, and run thence to the mouth of the Ohio. The company was organized in Alabama, and in 1848 received a charter from Tennessee. At the time of its inception this was the greatest railroad enterprise that had been inaugurated on either continent; and it was not until 1859, after many years of the most persistent effort, that the road was completed. During the war the road suffered greatly, and at the close of the conflict it was a splendid wreck. Sixty-five per cent of its original cost was lost; but by skillful and economical management, the road in a few years was put into a prosperous condition. The indebtedness to the State was paid off, and in 1870 the company resumed the payment of interest on all classes of its bonds.

On January 29, 1858, the Tennessee Legislature authorized the Mississippi River Railroad to be constructed from Memphis to the Kentucky State line in the direction of Cairo. The work of grading was not commenced until 1869, and was then soon after suspended. In 1871 it was consolidated with the Paducah & Gulf Railroad, a Kentucky corporation, under the name of the Memphis & Paducah. The whole line was afterward sold under mortgage, and reorganized as the Memphis, Paducah & Northern. It is now known as the Chesapeake, Ohio & Southwestern, extending from Cecilia, Ky., by way of Paducah to Memphis, a distance of about 345 miles.

Another important road in West Tennessee forms a part of a great system extending from Chicago to New Orleans and known as the Chicago, St. Louis & New Orleans Railroad, the entire length of which is about 1,700 miles. The part in Tennessee was chartered as two separate companies, the Mississippi Central, and the New Orleans, Jackson & Northern. These roads were consolidated in November, 1877. Running arrangements were then made with the Illinois Central Railroad Company by which the entire system is practically placed under one management, though operated by two charters.

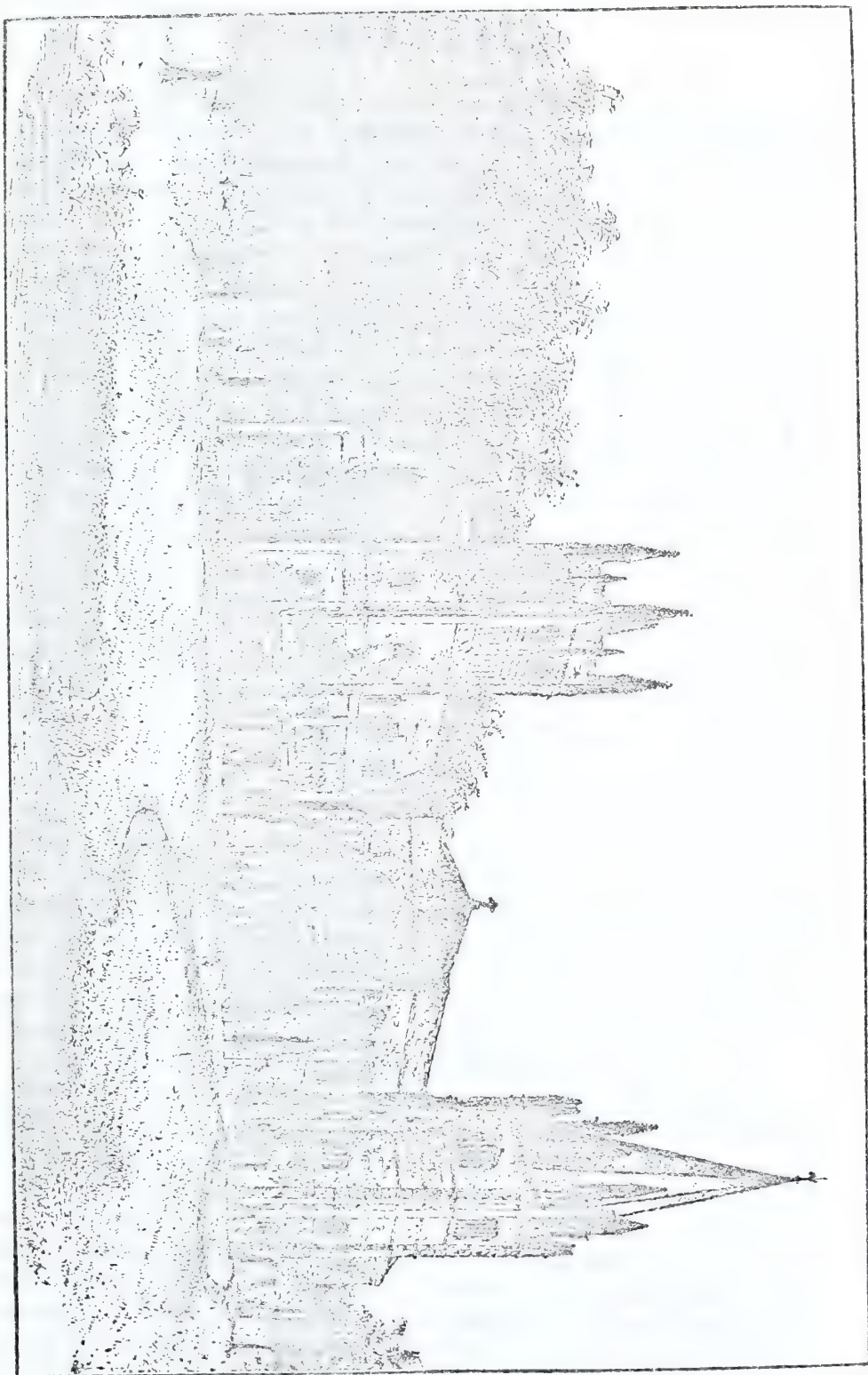
One of the most important roads passing through Tennessee is the Cincinnati Southern, extending from Cincinnati to Chattanooga. The company was incorporated by the General Assembly of Ohio in 1869, and received a charter from the Legislature of Tennessee January 20, 1870. The road was completed and opened for business in 1880, and now forms a part of the system known as the Cincinnati, New Orleans & Texas Pacific. Several other roads besides those mentioned have been constructed and are now successfully operated, but the greater number of them are narrow gauge roads, or are of but limited extent.

The General Assembly, in March, 1883, passed an act for the regulation of railroad companies, to prevent unjust discrimination in tariffs and rates, and to this end provided for the appointment of a railroad commission to consist of three persons, one for each grand division of the State. To this commission was given general supervision of all railroads in Tennessee, with power to revise all tariffs of charges for transportation, and to reduce the rate of charges if in any case they were found to be unjust or to discriminate against any person, corporation or locality. It was made the duty of the several companies operating railroads in the State to make annual returns of their business to the commissioners in such manner as the latter might prescribe.

In April, 1883, the governor appointed John H. Savage, J. A. Turley and G. W. Gordon as commissioners, who immediately qualified and entered upon the discharge of their official duties. Letters were addressed to the representatives of the various railroads requesting them to make out and deliver to the commission for revision a schedule of the rates of charges for transportation. This several of the companies refused to do, and two of the leading roads obtained from John Baxter, United States Circuit Judge, an order restraining the commissioners from interfering in any way with the tariffs of their roads. After the motion for an injunction was heard Judge Baxter pronounced certain sections of the act creating the commission unconstitutional, and granted the injunctions. The cases were then appealed to the Federal Supreme Court, and were then pending when the Legislature of 1885 convened. Gov. Bates in his message advised that the commission bill of 1883 be not repealed, but that it be revised and made to conform to the constitution. The bill, however, had never been very popular, and it was repealed and the commission abolished. The following figures show the growth of railroads in Tennessee: In 1850 there was no road in operation; from 1850 to 1860 1,253 miles of railroad were constructed; the decade which follows shows an increase of only 239 miles, making a total in 1870 of 1,492 miles; in 1880 there were 1,872 miles of completed road, with an assessed valuation of \$16,375,894.50. The comptroller's report for 1885 places the whole number of miles of road at 2,094.5, with an assessed valuation of \$34,350,170.84.

The history of steam-boat navigation on the Western rivers dates back to 1812. In the winter of that year the steamer "Orleans," built at Pittsburgh, made the first trip from that city to New Orleans. The success of this venture revolutionized river navigation and efforts were at once made to place steam-boats upon the Mississippi and all of its navigable tributaries. The message of Willie Blount to the Legislature

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of 1812 contains the following: "The petition of Messrs. Fulton & Livingstone, of New York, addressed to the Legislature of Tennessee, proposing to bring the steam-boats into use in our waters in aid of our present usual boats employed in navigation, if encouraged by your honorable body, is herewith laid before you, together with their letters to me touching their petition." No action seems to have been taken upon the petition by the Legislature, and it was not until the spring of 1815 that the first steam-boat, the "General Jackson," arrived at Nashville. It was built at Pittsburgh for Gov. Cannon. During the next two or three years the steam-boat business increased rapidly. Wharves and landing place were built at all the leading towns along the rivers, and commission and forwarding houses were opened. In 1825 there were from fifteen to twenty steam-boats plying between Nashville and New Orleans, and during that year over \$1,000,000 worth of cotton was shipped from the former port. The steamers "General Robertson," "Rifleman," "James Ross," "Fayette" and "Feliciana" were all running on the Cumberland as early as 1821. The pioneer boat, "General Jackson," was snagged and sunk on Harpeth Shoals, on January 20, of that year, and on May 3, the "Feliciana" exploded with a loss of six or seven lives. During the following years great improvement was made in the construction of boats, both as to speed and safety. May 15, 1820, the "Rifleman" arrived at Nashville from New Orleans, having made the trip in thirty days, which was considered very fast time. In May, 1843, the steamer "Nashville" made the same trip in six days and thirteen hours. The "Tallyrand" a short time after made it in five days and twenty-three hours, and the "Nashville" on the next trip, in five days and nineteen hours. The steam-boat has been an important factor in the material development of the State, and although in a measure it has been superseded by the railroad, its value has been little diminished. In 1873 the total trade of the Tennessee River approximated \$5,000,000, while that of the Cumberland for the same time was estimated at about double that amount.

The first steam-boat to navigate the Hatchie River was the "Rover," which made its appearance at the Brownsville Landing in the fall of 1827. Not one in twenty of the vast crowd assembled on the banks of the river had ever seen a steam-boat, and when the "puff" of the boat was heard all were on tiptoe; as it hove in sight the excitement became intense, and as it moved to shore with banners flying, amid the shouts of the multitude, the engineer turned off steam, scaring men, women and children nearly out of their wits. Several of them ran for their lives, shrieking and screaming amid the deafening noise. Horses took fright, broke loose and scampered off through the woods in every direction.

The orator of the day delivered an address of welcome to the commander of the "Rover," Capt. Newman, who, with his officers, was feasted and toasted the next day at Brownsville¹. The first steam-boat to pass up the Forked Deer was the "Grey Eagle," in 1836.

* STATE OFFICERS.

Governors.—William Blount, 1792-96; John Sevier, 1796-1801; Archibald Roane, 1801-03; John Sevier, 1803-09; Willie Blount, 1809-15; Joseph McMinn, 1815-21; William Carroll, 1821-27; Samuel Houston, 1827-29²; William Hall, 1829³; William Carroll, 1829-35; Newton Cannon, 1835-39; James K. Polk, 1839-41; James C. Jones, 1841-45; Aaron V. Brown, 1845-47; Neill S. Brown, 1847-49; William Trousdale, 1849-51; William B. Campbell, 1851-53; Andrew Johnson, 1853-57; Isham G. Harris⁴, 1857-62⁵; Andrew Johnson⁶, 1862-65; William G. Brownlow, 1865-68; D. W. C. Senter, 1868-71; John C. Brown, 1871-75; James D. Porter, 1875-79; Albert S. Marks, 1879-81; Alvin Hawkins, 1881-83; William B. Bate, 1883.

Secretaries of State.—William Maclin, 1796-1807; Robert Houston, 1807-11; William G. Blount, 1811-15; William Alexander, 1815-19; David Graham, 1819-30; Thomas H. Fletcher, 1830-31; Samuel G. Smith, 1831-33; David Graham, 1833-35; Luke Lea, 1835-39; John S. Young, 1839-47; W. B. A. Ramsey, 1847-55; F. N. W. Burton, 1855-59; John E. R. Ray, 1859-62; A. J. Fletcher, 1865-70; Thomas H. Butler, 1870-73; Charles N. Gibb, 1873-81; David A. Nunn, 1881-85; John Allison, 1885.

Treasurers.—William Black, Mero District, 1796-99; Landon Carter, Washington and Hamilton Districts, 1796-1800; Robert Searcy, Mero District, 1799-1803; John Maclin, Washington and Hamilton Districts, 1800-03; Thomas Crutcher, West Tennessee, 1803-29; Thomas McCorry, East Tennessee, 1803-13; Matthew Nelson, East Tennessee, 1813-27; Thomas Crutcher, Middle Tennessee, 1829-36; Miller Francis, East Tennessee, 1827-36; James Caruthers, Western District, 1829-36⁷; Miller Francis, 1836-43; Matthew Nelson, 1843-45; Robert B. Turner, 1845-47; A. Dibrell, 1847-55; G. C. Torbett, 1855-59; W. F. McGregor, 1859; R. L. Stanford, 1865-67; John R. Henry, 1867-68; James E. Rust, 1868-70; W. Morrow, 1870-77; M. T. Polk, 1877-1883⁸; Atha Thomas, 1883-85; J. W. Thomas, 1885.

Comptrollers of the Treasury.—F. K. Zollicoffer, 1843-49; B. H.

¹ MSS. in possession of Tennessee Historical Society. ² Resigned in April, 1829. ³ Served out the unexpired term of Gov. Houston. ⁴ Governor of the Confederate State Government to March 4, 1862. ⁵ Robert L. Caruthers was elected in 1863 by the Confederate Army, but did not take his seat. ⁶ Military Governor. ⁷ Treasuries consolidated. ⁸ Absconded January 5, 1883.

Sheppard, 1849-51; Arthur R. Crozier, 1851-55; James C. Luttrell, 1855-57; James T. Dunlap, 1857-61; Joseph S. Fowler, — 1865; S. W. Hatchett, 1865-66¹; G. W. Blackburn, 1866-70; E. R. Pennebaker, 1870-73; W. W. Hobbs², 1873; John C. Burch, 1873-75; James L. Gaines, 1875-81; James N. Nolan, 1881-83; P. P. Pickard, 1883.

Librarians.—W. B. A. Ramsey³, 1854-56; Return J. Meigs, 1856-61; Joseph S. Fowler, 1861-64⁴; A. G. Gattinger, 1864-69⁵; Dr. Wharton, 1869-71; Mrs. Paralee Haskell, 1871-79; Mrs S. K. Hatton, 1879.

Commissioners of Agriculture, Statistics and Mines.—J. B. Killbrew, 1875-81; Alvin W. Hawkins, 1881-83; A. J. McWhiiter, 1883.

State Geologists.—Gerard Troost, 1831-50; James M. Safford, 1854⁶.

Superintendents of Public Instruction.—Robert H. McEwen, 1836-40; R. P. Currin, 1840-44⁷; John M. Fleming, 1873-75; Leon Trousdale, 1875-81; W. S. Doak, 1881-82; G. S. W. Crawford, July 1, 1882-83; Julia A. Doak, May 23 to July 1, 1882⁸; Thomas H. Paine, 1883.

Judges, Territorial.—David Campbell, 1790-96; Joseph Anderson, 1791-96; John McNairy, 1790-96.

Superior Court of Law and Equity.—John McNairy, 1796⁹; Willie Blount, 1796¹⁰; Archibald Roane, 1796-1801; Howell Tatum, 1797-98; W. C. C. Claiborne, 1796-97; Andrew Jackson, 1798-1804; Hugh L. White, 1801-07; John Overton, 1804-10; Thomas Emmerson, 1807¹¹; Parry W. Humphreys, 1807-10; Samuel Powell, 1807-10.

Supreme Court of Errors and Appeals.—George W. Campbell, 1809-11; Hugh L. White, 1809-14; John Overton, 1811-16; William W. Cooke, 1815-16¹²; Archibald Roane, 1816¹³; Robert Whyte, 1816-34; John Haywood, 1816-26¹⁴; Thomas Emmerson, 1818-22; Jacob Peck, 1822-34; William L. Brown, 1822-34; John Catron, 1824-34; Henry Crabb, 1827¹⁵; Nathan Green, 1831-34.

Supreme Court.—William B. Turley, 1834-50; William B. Reese, 1834-48; Nathan Green, 1834-52; Robert J. McKinney, 1848; A. W. O. Totten, 1850-55; Robert L. Caruthers, 1852-41; William R. Harris, 1855-58; Archibald Wright, 1858; William F. Cooper, 1861; Samuel Milligan, 1865-68; J. O. Shackleford, 1865-67; Alvin Hawkins, 1865-68; Horace H. Harrison, 1867-68; Henry G. Smith, 1868-69; George Andrews, 1868-70; Andrew McClain, 1869-70; Alvin Hawkins, 1869-70; Alfred O. P. Nicholson, 1870-76; James W. Deaderick,

¹ Elected in May, 1865. T. R. Dillon was elected April 25, but was found to be ineligible. ² From January to May. ³ Secretary of State; *ex officio* Librarian. ⁴ Acting. ⁵ Appointed Aug. 14, 1864. ⁶ After the death of Gerard Troost, no geologist was appointed until February, 1854. ⁷ Office abolished January 12, 1844; created again 1871 and state treasurer made superintendent, *ex officio*. ⁸ Acting. ⁹ Declined the appointment. ¹⁰ Appointed in April, resigned in September. ¹¹ Resigned during the year. ¹² Died July 20, 1816. ¹³ The vacancy had been tendered to Samuel Powell, Enoch Parsons, George Dufield and John Williams, but all declined. ¹⁴ Died December 22, 1826. ¹⁵ Died the same year.

1870; Peter Turney, 1870; Thomas A. R. Nelson, 1870-71; John L. T. Sneed, 1870-78; Thomas J. Freeman, 1870; Robert McFarland, 1871-84; J. B. Cooke, 1884; W. F. Cooper, 1878.

Court of Referees.—At Nashville, W. L. Eakin, 1883-86; W. C. Caldwell, 1883-86; John A. Tinnon, 1883-86. At Knoxville, John Frizzell, 1883-85; John L. T. Sneed, 1883-85; R. T. Kirkpatrick, 1883-85. At Jackson, David L. Snodgrass, 1883-85; John Bright, 1883-85; John E. Garner, from April to July, 1883; E. L. Gardenhire, 1883-85.

Attorney-Generals.—George S. Yerger, 1835-39; W. H. Humphreys, 1839-51; William G. Swann, 1851-53; John L. T. Sneed, 1853-58; John W. Head, 1858-61; Horace Maynard, 1863-65; Thomas H. Caldwell, 1865-70; Joseph B. Heiskell, 1870-75; B. J. Lea, 1875.

Representatives.—IV Congress, 1796-97, Andrew Jackson; V Congress, 1797-99, William C. C. Claiborne; VI Congress, 1799-1801, same; VII Congress, 1801-03, William Dickson; VIII Congress, 1803-05, George W. Campbell, William Dickson and John Rhea; IX Congress, 1805-07, same; X Congress, 1807-09, George W. Campbell, John Rhea and Jesse Wharton; XI Congress, 1809-11, Pleasant M. Miller, John Rhea and Robert Weakley; XII Congress, 1811-13, Felix Grundy, John Rhea and John Sevier; XIII Congress, 1813-15, John H. Bowen, Newton Cannon, Felix Grundy*, Thomas K. Harris, John Rhea, Parry W. Humphreys and John Sevier; XIV Congress, 1815-17, William G. Blount, Bennet H. Henderson, James B. Reynolds, Samuel Powell, Isaac Thomas and Newton Cannon; XV Congress, 1817-19, William G. Blount, Thomas Claiborne, Samuel Hogg, Francis Jones, George W. L. Marr and John Rhea; XVI Congress, 1819-21, Robert Allen, Henry H. Bryan, Newton Cannon, John Cocke, John Rhea and Francis Jones; XVII Congress, 1821-23, Robert Allen, Henry H. Bryan,† Newton Cannon, John Cocke, Francis Jones and John Rhea; XVIII Congress, 1823-25, A. R. Alexander, Robert Allen, John Blair, John Cocke, Samuel Houston, Jacob C. Isacks, James B. Reynolds, James T. Sandford and James Standifer; XIX Congress, 1825-27, A. R. Alexander, Robert Allen, John Blair, John Cocke, Samuel Houston, Jacob C. Isacks, John H. Marable, James C. Mitchell and James K. Polk; XX Congress, 1827-29, John Bell, John Blair, David Crockett, Robert Desha, Jacob C. Isacks, Pryor Lea, John H. Marable, James C. Mitchell and James K. Polk; XXI Congress, 1829-31, John Bell, John Blair, David Crockett, Robert Desha, Jacob C. Isacks, Cave Johnson, Pryor Lea, James K. Polk and James Standifer; XXII Congress, 1831-33, Thomas D. Arnold, John

*Resigned in 1814.

†Is said not to have taken his seat.

Bell, John Blair, William Fitzgerald, William Hall, Jacob C. Isacks, Cave Johnson, James K. Polk and James Standifer; XXIII Congress, 1833-35, John Bell, John Blair, Samuel Bunch, David Crockett, David W. Dickinson, William C. Dunlap, John B. Forester, William M. Inge, Cave Johnson, Luke Lea, Bailie Peyton, James K. Polk and James Standifer; XXIV Congress, 1835-37, John Bell, Samuel Bunch, William B. Carter, William C. Dunlap, John B. Forester, Adam Huntsman, Cave Johnson, Luke Lea, Abraham P. Maury, Bailie Peyton, James K. Polk, Ebenezer J. Shields and James Standifer; XXV Congress, 1837-39, John Bell, William B. Campbell, William B. Carter, Richard Cheatham, John W. Crockett, Abraham P. Maury, Abraham McLellan, James K. Polk, Ebenezer J. Shields, William Stone, Hopkins L. Turney, C. H. Williams and Joseph L. Williams; XXVI Congress, 1839-41, John Bell, Julius W. Blackwell, Aaron V. Brown, William B. Campbell, William B. Carter, John W. Crockett, Meredith P. Gentry, Cave Johnson, Abraham McLellan, Hopkins L. Turney, Harvey M. Watterson, C. H. Williams and Joseph L. Williams; XXVII Congress, 1841-43, Thomas Arnold, Aaron V. Brown, Milton Brown, Thomas J. Campbell, William B. Campbell, Robert L. Caruthers, Meredith P. Gentry, Cave Johnson, Abraham McLellan, Hopkins L. Turney, Harvey M. Watterson, C. H. Williams and Joseph L. Williams; XXVIII Congress, 1843-45, John B. Ashe, Julius W. Blackwell, Aaron V. Brown, Milton Brown, Alvan Cullom, D. W. Dickinson, Andrew Johnson, Cave Johnson, George W. Jones, Joseph H. Peyton and William T. Senter; XXIX Congress, 1845-47, Milton Brown, Lucien B. Chase, William M. Cocke, John H. Crozier, Alvan Cullom, Edwin H. Ewing, Meredith P. Gentry, Andrew Johnson, George W. Jones, Barclay Martin, Frederick P. Stanton; XXX Congress, 1847-49, Washington Barrow, Lucien B. Chase, William M. Cocke, John H. Crozier, Meredith P. Gentry, William T. Haskell, Hugh L. W. Hill, Andrew Johnson, George W. Jones, Frederick P. Stanton and James H. Thomas; XXXI Congress, 1849-51, Josiah M. Anderson, Andrew Ewing, Meredith P. Gentry, Isham G. Harris, Andrew Johnson, George W. Jones, John H. Savage, Frederick P. Stanton, James H. Thomas, Albert G. Watkins and C. H. Williams; XXXII Congress, 1851-53, William M. Churchwell, William Cullom, Meredith P. Gentry, Isham G. Harris, Andrew Johnson, George W. Jones, William H. Polk, John H. Savage, Frederick P. Stanton, Albert G. Watkins and C. H. Williams; XXXIII Congress, 1853-55, Robert M. Bugg, William M. Churchwell, William Cullom, Emerson Etheridge, George W. Jones, Charles Ready, Samuel A. Smith, Frederick P. Stanton, Nathaniel G. Taylor and Felix K. Zollicoffer; XXXIV Congress, 1855-57, Emerson Etheridge, George W.

Jones, Charles Ready, Thomas Rivers, John H. Savage, Samuel A. Smith, William H. Sneed, A. G. Watkins, John V. Wright and Felix K. Zollicoffer; XXXV Congress, 1857-59, John D. C. Atkins, William T. Avery, George W. Jones, Horace Maynard, Charles Ready, John H. Savage, Samuel A. Smith, A. G. Watkins, John V. Wright and Felix K. Zollicoffer; XXXVI Congress, 1859-61, William T. Avery, Reese B. Brabson, Emerson Etheridge, Robert Hatton, Horace Maynard, Thomas A. R. Nelson, James M. Quarles, William B. Stokes, James H. Thomas and John V. Wright; XXXVII Congress, 1861-63, George W. Bridges.* Andrew J. Clements† and Horace Maynard; XXXVIII Congress, 1863-65, vacant; XXXIX Congress, 1865-67, Samuel M. Arnell, William B. Campbell, Edmund Cooper, Isaac R. Hawkins, John W. Leftwich, Horace Maynard, William B. Stokes and Nathaniel J. Taylor; XL Congress, 1867-69, Samuel M. Arnell, Roderick R. Butler, Isaac R. Hawkins, Horace Maynard, James Mullins, David A. Nunn, William B. Stokes and John Trimble; XLI Congress, 1869-71, Samuel M. Arnell, Roderick R. Butler, Isaac R. Hawkins, Horace Maynard, William F. Prosser, William J. Smith, William B. Stokes and Lewis Tillman; XLII Congress, 1871-73, John M. Bright, Roderick R. Butler, Robert P. Caldwell, Abraham E. Garrett, Edward L. Galladay, Horace Maynard, William W. Vaughan and W. C. Whitthorne; XLIII Congress, 1873-75, John D. C. Atkins, John M. Bright, Roderick R. Butler, William Crutchfield, Horace H. Harrison, Barbour Lewis, Horace Maynard, David A. Nunn, Jacob M. Thornburgh and W. C. Whitthorne; XLIV Congress, 1875-77, John D. C. Atkins, John M. Bright, William P. Caldwell, G. G. Dibrell, John F. House, William McFarland, Haywood T. Riddle, Jacob M. Thornburgh, W. C. Whitthorne and Casey Young; XLV Congress, 1877-79, J. D. C. Atkins, John M. Bright, W. P. Caldwell, George G. Dibrell, John F. House, James H. Randolph, W. M. Randolph, H. T. Riddle, J. M. Thornburgh, W. C. Whitthorne and Casey Young; XLVI Congress, 1879-81, R. L. Taylor, L. C. Houk, George G. Dibrell, Benton McMillin, John M. Bright, John F. House, W. C. Whitthorne, John D. C. Atkins, Charles B. Simonton and Casey Young; XLVII Congress, 1881-83, A. H. Pettibone, Leonidas C. Houk, George G. Dibrell, Benton McMillin, Richard Warner, John F. House, W. C. Whitthorne, John D. C. Atkins, Charles B. Simonton and William R. Moore; XLVIII Congress, 1883-85, A. H. Pettibone, L. C. Houk, George G. Dibrell, Benton McMillin, Richard Warner, A. J. Caldwell, John M. Taylor, Rice A. Pierce, Casey Young and John G. Ballentine; XLIX Congress, 1885-87, A. H. Pettibone, L. C. Houk, J. R. Neal, Benton McMillin,

*Took his seat February 25, 1863.

†Took his seat January 13, 1862.

James D. Richardson, A. J. Caldwell, J. G. Ballentine, J. M. Taylor, P. G. Glass and Zachariah Taylor.

Senators.—IV Congress, 1796-97, William Blount and William Cocke; V Congress, 1797-99, William Blount¹, William Cocke, Joseph Anderson, Andrew Jackson², Daniel Smith; VI Congress, 1799-1801, Joseph Anderson and William Cocke; VII Congress, 1801-03, same; VIII Congress, 1803-05, same; IX Congress, 1805-07, Joseph Anderson and Daniel Smith; X Congress, 1807-09, same; XI Congress, 1809-11, Joseph Anderson, Daniel Smith³ and Jenkin Whiteside⁴; XII Congress, 1811-13, Joseph Anderson and George W. Campbell; XIII Congress, 1813-15, Joseph Anderson, George W. Campbell⁵ and Jesse Wharton; XIV Congress, 1815-17, George W. Campbell and John Williams; XV Congress, 1817-19, George W. Campbell⁶, John Williams and John H. Eaton; XVI Congress, 1819-21, John H. Eaton and John Williams; XVII Congress, 1821-23, same; XVIII Congress, 1823-25, John H. Eaton and Andrew Jackson; XIX Congress, 1825-27, John H. Eaton, Andrew Jackson⁷ and Hugh Lawson White; XX Congress, 1827-29, John H. Eaton and Hugh L. White; XXI Congress, 1829-31, John H. Eaton⁸, Hugh L. White and Felix Grundy; XXII Congress, 1831-33, Felix Grundy and Hugh L. White; XXIII Congress, 1833-35, same; XXIV Congress, 1835-37, same; XXV Congress, 1837-39, Hugh L. White, Felix Grundy⁹ and Ephraim H. Foster; XXVI Congress, 1839-41, Hugh L. White¹⁰, Felix Grundy¹¹, Alexander Anderson and A. O. P. Nicholson; XXVII Congress, 1841-43, A. O. P. Nicholson¹²; XXVIII Congress, 1843-45, Ephraim H. Foster and Spencer Jarnagin; XXIX Congress, 1845-47, Spencer Jarnagin and Hopkins L. Turney; XXX Congress, 1847-49, John Bell and Hopkins L. Turney; XXXI Congress, 1849-51, same; XXXII Congress, 1851-53, John Bell and James C. Jones; XXXIII Congress, 1853-55, same; XXXIV Congress, 1855-57, same; XXXV Congress, 1857-59, John Bell and Andrew Johnson; XXXVI Congress, 1859-61, Andrew Johnson and A. O. P. Nicholson; XXXVII Congress, 1861-63, Andrew Johnson¹³; XXXVIII Congress, 1863-65, vacant; XXXIX Congress, 1865-67, Joseph S. Fowler and David T. Patterson; XL Congress, 1867-69, same; XLI Congress, 1869-71, William G. Brownlow and Joseph S. Fowler; XLII Congress, 1871-73, William G. Brownlow and Henry Cooper; XLIII Congress, 1873-75, same; XLIV Congress, 1875-77, James E. Bailey, Henry Cooper, Andrew Johnson¹⁴ and David M. Key¹⁵;

1 Expelled for high misdemeanors, July 8, 1797. 2 Resigned in 1798. 3 Resigned in 1809. 4 Resigned in 1811. 5 Resigned in 1814. 6 Resigned in 1818. 7 Resigned in 1825. 8 Resigned in 1829. 9 Resigned in 1833. 10 Resigned in 1840. 11 Died December 19, 1840. 12 Other seat vacant. 13 Other seat vacant. 14 Died July 31, 1875. 15 Appointed *pro tem.* in place of Andrew Johnson.

XLV Congress, 1877-79, James E. Bailey and Isham G. Harris; XLVI Congress, 1879-81, same; XLVII Congress, 1881-83, Isham G. Harris and Howell E. Jackson; XLVIII Congress, 1883-85, same; XLIX Congress, 1885-87, same.

GUBERNATORIAL ELECTION RETURNS.

1815, Robert Weakley, 6,028; Joseph McMinn, 14,980¹. 1817, Robert C. Foster, 15,460; Joseph McMinn, 28,402. 1819, Enoch Parsons, 8,079; Joseph McMinn, 33,524. 1821, Edward Ward, 7,294; William Carroll, 31,029. 1823, No opposition; William Carroll, 32,597. 1825, no opposition; William Carroll. 1827, Newton Cannon; Samuel Houston². 1829, no opposition; William Carroll, 57,551. 1831, no opposition; William Carroll. 1833, no opposition; William Carroll, 51,184. 1835, Newton Cannon, 42,795; William Carroll, 35,247. 1837, Newton Cannon, 52,660; — Armstrong, 32,695. 1839, Newton Cannon, 50,841; James K. Polk, 52,899. 1841, James C. Jones, 53,586; James K. Polk, 50,343. 1843, James C. Jones, 57,491; James K. Polk, 52,692. 1845, Ephraim H. Foster, 56,646; Aaron V. Brown, 58,269. 1847, Niell S. Brown, 61,372; Aaron V. Brown, 60,004. 1849, Niell S. Brown, 60,350; William Trousdale, 61,740. 1851, William B. Campbell, 63,333; William Trousdale, 61,673. 1853, Gustav A. Henry, 61,163; Andrew Johnson, 63,413. 1855, Meredith P. Gentry, 65,343; Andrew Johnson, 67,499. 1857, Robert Hatton, 59,807; Isham G. Harris, 71,178. 1859, John Netherland, 68,042; Isham G. Harris, 76,073. 1861, Isham G. Harris, 70,273 (Confederate); W. H. Polk, 37,915. 1865, William G. Brownlow, 23,222 (Republican); William B. Campbell, 25. 1867, William G. Brownlow, 74,034; Emerson Etheridge, 22,250. 1869, D. W. C. Senter, 120,234; — Stokes, 55,046. 1870, W. H. Wisener, 41,500; J. C. Brown, 78,979. 1872, A. A. Freeman, 84,089; John C. Brown, 97,700. 1874, Horace Maynard, 55,847; James D. Porter, 105,061; — Brooks, 222. 1876, George Maney, 10,436; James D. Porter, 123,740; Dorsey B. Thomas, 73,693³; W. F. Yardley, 2,165⁴. 1878, E. M. Wight, 42,328; A. S. Marks, 89,018; R. M. Edwards, 15,196⁵. 1880, Alvin Hawkins, 102,969; John V. Wright, 79,191; S. F. Wilson, 57,424⁶; R. M. Edwards, 3,641⁵. 1882, Alvin Hawkins, 90,660; William B. Bate, 118,821; Joseph H. Fussell, 4,599⁷; John R. Beasley, 9,572⁵. 1884, Frank T. Ried, 125,276; William B. Bate, 132,201; W. J. Buchanan, 636⁵.

1 Also Jesse Wharton, 5,918; Robert C. Foster, 3,626, and Gen. Johnson, 2,417. 2 Houston's majority, 12,000. 3 Independent Democrat. 4 Independent Republican. 5 Greenback. 6 "Low Tax" Democrat. 7 "State Credit" or "Sky-blue" Democrat.

The following table shows the total number and amount of bonds issued by the State from 1832 to 1881, the rate of interest, and the purpose for which they were issued.

	Number.	Rate.	Amount.
Union Bank of Tennessee.....	500	5	\$500,000 00
*Bank of Tennessee.....	2,500	6	2,500,000 00
Nashville, Murfreesboro & Shelbyville Turnpike Company.....	67	5½	67,000 00
Gallatin Turnpike Company.....	132	5½	132,000 00
Chambers & Purdy Turnpike Company.....	7	5	7,000 00
Franklin & Columbia Turnpike Company.....	75	5	75,000 00
Columbia Central Turnpike Company.....	150	5	150,000 00
Nashville & Charlotte Turnpike Company.....	50	5	50,000 00
Fayetteville & Shelbyville Turnpike Company.....	16	5	16,000 00
Pelham & Jasper Turnpike Company.....	44	5	44,000 00
Columbia, Pulaski & Ekton Turnpike Company.....	127	5	127,000 00
Clarksville & Russellville Turnpike Company.....	37	5	37,000 00
Forked Deer Turnpike Company.....	7	5	7,000 00
Rig Hatchie Turnpike Company.....	14	5	14,000 00
Gallatin & Cumberland Turnpike Company.....	6	5	6,000 00
Notensville Turnpike Company.....	49	5	49,000 00
Ashport Turnpike Company.....	25	5	25,000 00
Fulton Turnpike Company.....	6	5	6,000 00
Lebanon & Sparta Turnpike Company.....	85	5	85,000 00
Nashville & Kentucky Turnpike Company.....	50	5	50,000 00
Central Southern Railroad Company.....	506	6	506,000 00
Memphis & Ohio Railroad Company.....	1,999	6	1,999,000 00
Mississippi & Tennessee Railroad Company.....	398	6	398,000 00
Winchester & Alabama Railroad Company.....	1,289	6	1,289,000 00
Memphis, Clarksville & Louisville Railroad Company.....	1,582	6	1,582,000 00
Edgefield & Kentucky Railroad Company.....	1,180	6	1,180,000 00
Rogersville & Jefferson Railroad Company.....	385	6	385,000 00
Mobile & Ohio Railroad Company.....	1,296	6	1,296,000 00
Knoxville & Kentucky Railroad Company.....	2,350	6	2,350,000 00
Cincinnati, Cumberland Gap & Charleston Railroad Company.....	1,373	6	1,373,000 00
Knoxville & Charleston Railroad Company.....	710	6	710,000 00
Nashville & Northwestern Railroad Company.....	3,322	6	3,322,000 00
Nashville & Chattanooga Railroad Company.....	295	6	295,000 00
Tennessee & Pacific Railroad Company.....	1,185	6	1,185,000 00
Mississippi Central Railroad Company.....	1,124	6	1,124,000 00
Southern Railroad Company (Southwestern).....	593	6	593,000 00
East Tennessee & Western North Carolina Railroad Company.....	400	6	400,000 00
†Mineral Home Railroad Company.....	190	6	190,000 00
Evansville, Henderson & Nashville Railroad Company.....	200	6	200,000 00
Nashville & Decatur Railroad Company.....	350	6	350,000 00
Louisville, Cincinnati & Charleston Railroad Company.....	32	6	32,000 00
Capitol bonds.....	1,166	6	1,166,000 00
Agricultural Bureau bonds.....	30	6	30,000 00
Murfreesboro & Manchester Turnpike Company.....	49	5	49,000 00
Harjeth Turnpike Company.....	39	5	39,000 00
Cumberland & Stone's River Turnpike Company.....	107	5	107,000 00
Lebanon & Nashville Turnpike Company.....	81	5½	81,000 00
Jefferson Turnpike Company.....	45	5	45,000 00
Carthage & Hartsville Turnpike Company.....	6	6	6,000 00
Carthage & Rome Turnpike Company.....	8	6	8,000 00
Carthage, Alexander & Red Sulphur Turnpike Company.....	16	6	16,000 00
Dyersburg & Mississippi Turnpike Company.....	25	6	25,000 00
Bristol & Kendrick's Creek Turnpike Company.....	20	6	20,000 00
Rogersville & Little War Gap Turnpike Company.....	20	6	20,000 00
New Market Turnpike Company.....	15	6	15,000 00
Jacksboro & Powell's Valley Turnpike Company.....	8	6	8,000 00
Mulberry & Rogersville Turnpike Company.....	50	6	50,000 00
Mansker's Creek & Springfield Turnpike Company.....	19	6	19,000 00
East Tennessee & Georgia Railroad Company.....	1,614	5	1,614,000 00
Hiwassee Railroad Company.....	449	5	449,000 00
Memphis & Charleston Railroad Company.....	1,700	6	1,700,000 00
East Tennessee & Virginia Railroad Company.....	2,202	6	2,202,000 00
Louisville & Nashville Railroad Company.....	445	6	445,000 00
La Grange & Memphis Railroad Company.....	200	5½	200,000 00
McMinnville & Manchester Railroad Company.....	772	6	772,000 00
Tennessee & Alabama Railroad Company.....	1,173	6	1,173,000 00
Hermitage bonds.....	48	6	48,000 00
Funding bonds, act of 1856.....	4,341	6	4,341,000 00
Funding bonds, act of 1868.....	2,200	6	2,200,000 00
New series funding bonds, act of 1873.....	6,657	6	6,657,000 00
Renewal bonds.....	697	6	697,000 00
Grand total.....			\$42,100,400 00

* Only 1,000 of these bonds were sold.

† Rejected.

COUNTIES.	1852.		1860.		1864.		1868.		1872.		1876.		1880.		1884.	
	Whig.	Democrat.	Whig.	Democrat.	Whig.	Democrat.	Whig.	Democrat.	Whig.	Democrat.	Whig.	Democrat.	Whig.	Democrat.	Whig.	Democrat.
Anderson.....	261	16	221	227	626	325	626	348	610	329	614	30	143	608	343	638
Bedford.....	1312	46	1511	1560	1878	1526	1855	1788	1555	1780	1506	35	1064	1490	1782	1731
Beeson.....	183	153	95	301	259	481	293	459	632	433	472	38	31	177	749	926
Benton.....	176	4	15	223	202	615	229	508	449	371	377	38	114	268	287	337
Bland.....	652	86	153	594	640	1198	735	1046	663	965	586	32	112	1261	470	174
Bradley.....	386				928	572	927	790	778	647	710	301	255	1084	560	174
Cambell.....			117	328	481	318	327	279	473	251	313	434	345	271	142	603
Cannon.....					761	318	827	459	747	453	443	20	177	311	368	310
Carroll.....	577	74	202	802	3361	324	1266	560	1193	643	1195	119	55	171	1335	1844
Cass.....	309	7	46	495	39	337	177	738	129	745	136	585	428	265	761	1174
Chatham.....																
Chester.....																
Claiborne.....	358	3	329	733	631	857	578	744	700	519	665	735	643	718	425	739
Clay.....																
Cooke.....	86		7	309	80	917	844	189	315	196	743	439	739	473	333	389
Galbreath.....																
Grice.....																
Griffin.....																
Hamblen.....	827	136	983	1334	1274	1960	1083	2266	1972	2928	2668	2617	2074	2590	2337	3850
Hartwell.....																
De Kalb.....																
Dickson.....	450	12	426	203	653	396	401	488	573	571	588	559	795	551	882	677
Dyer.....	116	6	55	146	206	416	272	356	271	383	411	508	599	466	480	798
Fayette.....	636	26	879	886	902	1140	1151	1205	1060	1217	1034	1006	1080	1092	964	953
Fleming.....			7	166	322	140	456	360	432	113	411	153	330	118	465	135
Franklin.....	946	29	1199	448	1418	1323	362	1297	1300	1133	1330	1247	331	1526	388	26
Gibson.....	183	2	152	702	416	1272	611	1326	688	901	1570	1039	1309	241	115	82
Giles.....	1629	3	796	908	1242	1199	1387	1301	1311	1389	1447	1393	1584	1266	1511	1313
Granger.....	345	1	16	601	445	1095	548	998	489	1044	477	852	730	1117	667	1047
Greene.....	686	4	724	695	1536	1032	1701	1681	1853	963	1301	780	1825	2054	1048	38
Grundy.....																
Hamilton.....	100		158	215	473	606	624	644	634	685	648	774	1051	1064	820	1074
Hancock.....																
Harden.....	451	14	531	439	860	676	1077	639	1016	723	1024	717	1333	691	655	909
Hawkins.....	209	5	141	252	681	562	752	505	779	621	808	634	905	738	718	671
Haywood.....	446	25	260	551	576	807	698	1173	1243	1552	1243	1155	1167	87	82	236
Henry.....	682	99	498	615	1079	862	1312	855	1349	800	1576	899	1827	897	1808	587
Hillman.....	164	1	621	149	952	293	1034	255	988	301	839	241	1080	228	1067	273
Houston.....																
Jefferson.....	224	2	176	124	531	191	523	305	482	369	411	493	630	280	654	1300
Jackson.....	278		263	710	501	1362	807	1211	801	1269	825	1170	1360	1260	1060	133

AGGREGATE POPULATION OF THE STATE.

COUNTIES.	1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.	1870.	1880.
Anderson.....			3059	4668	5310	5658	6938	7068	8704	10820
Bedford.....			8242	16012	30396	25546	27511	21584	24338	26623
Benton.....						4772	6315	8463	8234	9780
Bledsoe.....			3259	5005	4648	5676	5950	4459	4870	5617
Blount.....		5587	8839	11258	11028	11745	12424	13270	14237	15985
Bradley.....						7385	12259	11701	11652	12124
Campbell.....			2668	4224	5110	6149	6063	6712	7445	10005
Cannon.....						7163	8982	9509	10502	11859
Carroll.....					9297	15362	17367	17437	19417	22103
Carter.....		4813	4190	4835	6114	5372	6296	7124	7809	10019
Cataham.....								7258	6678	7556
Chester.....										
Claiborne.....			4798	5508	8470	9474	9369	9643	9021	13873
Clay.....										6857
Coeke.....			5154	4802	6017	6992	8366	10408	12458	14808
Coffee.....						8184	8351	9689	10237	12894
Crockett.....										14109
Cumberland.....								3470	3461	4538
Davidson.....	3459	9965	15608	20151	28122	30519	28882	47065	62907	79426
Decatur.....							6003	6276	7772	8498
De Kalb.....						8868	8016	10573	11427	14813
Dickson.....			4516	5190	7265	7074	8404	9092	9349	12460
Dyer.....					1204	4484	6261	10536	13706	15118
Fayette.....					8652	21501	26719	24327	26145	31871
Fentress.....					2748	3550	4454	5054	4717	5341
Franklin.....			5740	16371	15620	12033	13768	13848	11970	17172
Gibson.....					5801	13689	19548	21777	25606	32785
Giles.....			4546	12558	18703	21494	25949	20166	23403	33414
Grainger.....		7367	6397	7651	10066	10572	17824	19604	21604	12884
Greene.....	7741	7610	9713	11324	14410	16076	17824	19004	21668	24665
Grundy.....							2773	3093	3250	4702
Hamblen.....										1187
Hamilton.....				821	2276	8175	10075	13253	17241	23642
Hancock.....							5660	7020	7143	9668
Hardeman.....					11255	14563	17450	17769	18074	22021
Hardin.....				1462	4368	8245	10326	11214	11768	14793
Hawkins.....	6970	6563	7643	10949	13683	15035	13370	10162	15837	20610
Haywood.....					5324	13870	17259	19232	25094	26953
Henderson.....					8743	11875	13164	14491	14217	17420
Henry.....					12249	14906	18233	19133	20580	22142
Hickman.....			2583	6080	8110	8618	9397	9312	9856	12095
Houston.....										4295
Humphreys.....			1511	4967	6187	5195	6422	9066	9325	11379
Jackson.....			5401	7593	9698	12872	13673	11725	12583	12938
James.....										5147
Jefferson.....		9017	7309	8953	11801	12076	13204	16043	19478	15846
Johnson.....						2638	3705	5018	5372	7766
Knox.....		12446	10171	13034	14498	15485	18807	22813	28900	39124
Lake.....									2428	7908
Lauderdale.....						5453	5169	7559	7601	14918
Lawrence.....				3271	5411	7121	9240	9320	7601	16843
Lewis.....							4438	2241	1986	2181
Lincoln.....			6104	14761	22073	21493	23492	22828	28050	26760
Loudon.....										9148
Macon.....							6948	7290	6603	9321
Madison.....					11594	16530	21470	21535	23489	31874
Marion.....				3888	5508	6070	6314	6190	6841	10910
Marshall.....						14555	16616	14592	16207	19279
Matury.....			10359	22089	27665	28186	29520	32498	30289	35944
McMinn.....			1623	14460	17219	13906	13555	13901	13901	13901
McNairy.....					5697	9385	12864	14702	12726	17271
Meigs.....						4794	4879	4667	4511	7117
Monroe.....				2529	13708	12056	11874	12607	12589	14883
*Montgomery.....	1387	2899	8021	12219	14349	16927	21045	20835	24747	28471
Moore.....										6203
Morgan.....				1676	2582	2660	3439	3353	2969	5136
Obion.....					2099	4814	7633	12817	15544	22912
Overton.....			5643	7128	8242	9279	11211	12637	11247	14178
Perry.....				2384	7094	7419	5821	6042	6925	7174
Pickett.....										
Polk.....						3570	6338	8726	7369	7279
Putnam.....								8558	8698	11501
Rhea.....			2504	4215	8156	3985	4415	4991	5538	7070
Roane.....			5581	7895	11341	10948	12155	13583	15622	18237
Robertson.....		4230	7270	9938	13272	13801	16145	15253	16126	18862
Rutherford.....			10265	19502	26134	14280	29122	27918	33299	36741
Scott.....							1905	3519	6754	6221
Seminatchie.....								2120	2355	2565
Sevier.....	3619	3419	4995	4772	5717	6442	6920	9122	11028	15541
Shelby.....				364	5618	14721	31157	48092	76378	73490

*Tennessee County.

AGGREGATE POPULATION OF THE STATE.

COUNTIES.	1790.	1800.	1810.	1820.	1830.	1840.	1850.	1860.	1870.	1880.
Smith.....		4294	11649	17860	19906	21179	18412	16357	15994	17799
Stewart.....			4262	8397	6968	8787	9719	9929	12015	14899
Sullivan.....	4447	10418	6447	7015	10073	10766	11742	13652	15156	17421
Sumner.....	2196	4616	13729	19211	26009	22445	22717	24069	25711	27425
Tipton.....					5317	6800	8887	10705	14884	20000
Trousdale.....										6039
Unicoi.....										6445
Union.....								6117	7605	12400
Van Buren.....								2674	2581	2725
Warren.....			5725	10384	15210	10803	10179	11347	12714	14779
Washington.....	5872	6379	7740	9557	10935	11751	13861	14829	16317	17841
Wayne.....				2459	6013	7705	8170	9115	10269	11211
Weakley.....					4797	9870	14608	18216	20755	24538
White.....			4028	8701	9987	10747	11444	9381	9375	11175
Williamson.....		2868	13153	20650	26638	27096	27201	23827	25328	28313
Wilson.....		3261	11952	18730	25472	24460	27443-	26072	25881	28717
Totals.....	35691	105602	261727	422771	651904	829210	1002717	1109801	1258520	1542359

THE FORMATION OF COUNTIES.

NAMES.	Date of Creation.	FROM WHAT FORMED.	IN WHOSE HONOR NAMED.
Washington.....	1777	Wilkes and Burke Cos., N. C.....	Gen. Geo. Washington.
Sullivan.....	1779	Washington Co.....	Gen. John Sullivan.
Greene.....	1783	Washington Co.....	Gen. Nathaniel Greene.
Davidson.....	1783	Greene Co.....	Gen. William Davidson.
Sumner.....	1786	Davidson Co.....	Col. Jethro Sumner.
Hawkins.....	1786	Sullivan Co.....	
Tennessee.....	1788	Davidson Co.....	Indian name Tenassee.
Jefferson.....	1792	Greene and Hawkins Cos.....	Thomas Jefferson.
Knox.....	1792	Greene and Hawkins Cos.....	Gen. Henry Knox.
Sevier.....	1794	Jefferson Co.....	Gov. John Sevier.
Blount.....	1795	Knox Co.....	Gov. William Blount.
Carter.....	1796	Washington Co.....	Gen. Landon Carter.
Grainger.....	1796	Hawkins and Knox Cos.....	Mary Grainger (Mrs. Blount).
Montgomery.....	1796	Tennessee Co.....	Col. John Montgomery.
Robertson.....	1796	Tennessee Co.....	Gen. James Robertson.
Cocke.....	1797	Jefferson Co.....	Gen. William Cocke.
Smith.....	1799	Sumner Co.....	Gen. Daniel Smith.
Wilson.....	1799	Sumner Co.....	Maj. David Wilson.
Williamson.....	1799	Davidson Co.....	Gen. Williamson, of N. C.
Anderson.....	1801	Knox and Grainger Cos.....	Hon. Joseph Anderson.
Roane.....	1801	Knox Co.....	Gov. Archibald Roane.
Claiborne.....	1801	Grainger and Hawkins Cos.....	
Jackson.....	1801	Smith Co.....	Gen. Andrew Jackson.
Dickson.....	1803	Robertson and Montgomery Cos.....	William Dickson.
Stewart.....	1803	Montgomery Co.....	Duncan Stewart.
Rutherford.....	1803	Davidson Co.....	Gen. Rutherford of N. C.
Campbell.....	1806	Anderson and Claiborne Cos.....	Col. Arthur Campbell.
Overton.....	1806	Jackson Co.....	
White.....	1806	Wilson, Smith, Jackson & Overton Cos.....	
Hickman.....	1807	Dickson Co.....	Edmund Hickman, surveyor.
Rhea.....	1807	Roane Co.....	
Bledsoe.....	1807	Roane Co.....	
Franklin.....	1807	Warren and Bedford Cos.....	
Bedford.....	1807	Rutherford Co.....	Thomas Bedford.
Warren.....	1807	White Co.....	
Maury.....	1807	Williamson Co.....	Abram Maury.
Humphreys.....	1809	Stewart Co.....	Perry W. Humphreys.
Lincoln.....	1809	Bedford Co.....	Gen. Benjamin Lincoln.
Giles.....	1809	Maury Co.....	Gen. William B. Giles, of Va.
Morgan.....	1817	Roane Co.....	Gen. Daniel Morgan.
Lawrence.....	1817	Hickman and Maury Cos.....	Com. James Lawrence.
Marion.....	1817	Cherokee Lands.....	Gen. Francis Marion.
Wayne.....	1817	Hickman and Humphreys Cos.....	Gen. Anthony Wayne.
Hardin.....	1819	Western Dist. under control of Stewart and Wayne Cos.....	Col. Joseph Hardin.
Monroe.....	1819	Cherokee Lands.....	James Monroe.
McMinn.....	1819	Cherokee Lands.....	Gov. Joseph McMinn.
Perry.....	1819	Hickman Co.....	Gov. Oliver H. Perry.
Shelby.....	1819	Hardin Co.....	Isaac Shelby.
Hamilton.....	1819	Rhea Co.....	Alexander Hamilton.
Henry.....	1821	Western Dist. under control of Stewart Co.....	Patrick Henry.

THE FORMATION OF COUNTIES.

NAMES.	Date of Cre- ation.	FROM WHAT FORMED.	IN WHOSE HONOR NAMED.
Carroll.....	1821	Western Dist. under control of Stewart Co.	Gov. William Carroll.
Madison.....	1821	Western Dist. under control of Stewart Co.	James Madison.
Henderson.....	1821	Western Dist. under control of Stewart Co.	
Hardeman.....	1823	Hardin Co.	Col. Thomas J. Hardeman.
Haywood.....	1823	Western Dist. under control of Stewart Co.	Judge John Haywood.
Dyer.....	1823	Western Dist. under control of Stewart Co.	Col. Henry Dyer.
Gibson.....	1823	Western Dist. under control of Stewart Co.	Col. Thomas Gibson.
Weakley.....	1823	Western Dist. under control of Stewart Co.	
Fentress.....	1823	Overton and Morgan Cos.	
Obion.....	1823	Western Dist. under control of Stewart Co.	From Obion River. "
Tipton.....	1823	Western Dist. under control of Stewart Co.	Jacob Tipton.
McNairy.....	1823	Western Dist. under control of Stewart Co.	Judge John McNairy
Fayette.....	1824	Hardeman and Shelby Cos.	
Coffee.....	1825	Warren, Franklin and Bedford Cos.	
Lauderdale.....	1825		Col. James Lauderdale.
Beaton.....	1825	Humphreys and Henry Cos.	Thomas H. Benton.
Johnson.....	1825	Carter Co.	
Meigs.....	1825		Return J. Meigs.
Cannon.....	1825		Gov. Newton Cannon.
Marshall.....	1825	Bedford, Maury, Lincoln and Giles Cos.	
Bradley.....	1825		
DeKalb.....	1827	White, Warren, Cannon, Wilson, Jackson.	Baron De Kalb.
Polk.....	1828	Bradley and McMinn Cos.	James K. Polk.
Van Buren.....	1830	White, Warren and Bledsoe Cos.	Martin Van Buren.
Putnam.....	1842	White, Overton, Jackson, Smith, DeKalb.	Israel Putnam.
Macon.....	1842	Smith and Sumner Cos.	
Lewis.....	1843	Maury, Lawrence, Wayne and Hickman.	Meriwether Lewis.
Grundy.....	1844	Franklin, Coffee and Warren Cos.	Felix Grundy.
Hancock.....	1844	Claiborne and Hawkins Cos.	John Hancock.
Decatur.....	1845	Ferry Co.	Com. Stephen Decatur
Scott.....	1849	Anderson, Campbell, Fentress and Morgan	Gen. Winfield Scott.
*Union.....	1850	Grainger, Claiborne, Campbell, Anderson and Knox Cos.	
Cumberland.....	1855	White, Van Buren, Bledsoe, Rhea, Roane, Morgan and Putnam Cos.	
Cheatham.....	1856	Davidson, Robertson and Montgomery Cos.	
Sequatchie.....	1857	Hamilton Co.	
Crockett.....	1857	Gibson, Haywood, Dyer and Madison Cos.	David Crockett.
Hamblen.....	1857	Grainger, Jefferson and Hawkins Cos.	Hezekiah Hamblen.
Trousdale.....	1857	Sumner, Macon, Smith and Williamson Cos.	Gov. William Trousdale.
Clay.....	1857	Jackson and Overton Cos.	Henry Clay.
Lake.....	1857	Obion Co.	For Obion Lake.
London.....	1857	Roane, Monroe and Blount Cos.	Fort London.
Houston.....	1871	Dickson, Humphreys, Stewart and Mont- gomery Cos.	Gen. Sam Houston.
James.....	1871	Hamilton and Bradley Cos.	
Moore.....	1872	Lincoln and Franklin Cos.	Jesse J. James.
Unicoi.....	1875	Washington and Carter Cos.	
Pickett.....	1879	Overton and Fentress Cos.	
Chester.....	1879	Madison, Henderson, McNairy and Har- deman Cos.	

*This, as well as several other counties, was not organized for a few years after the passage of the act creating it.

CHAPTER XII.

THE BENCH AND BAR OF TENNESSEE—THE JUDICIAL SYSTEM OF THE WATAUGA ASSOCIATION—THE COURTS ESTABLISHED BY NORTH CAROLINA—EXTRACTS FROM THE EARLY RECORDS—JURISDICTION—THE CONFLICT OF AUTHORITY AT WATAUGA—COUNTY, DISTRICT, SUPREME AND UNITED STATES COURTS—JUDICIAL PROCEDURE UNDER THE TERRITORIAL GOVERNMENT—THE ADMINISTRATION OF JUSTICE UNDER THE CONSTITUTIONS—EXPENSES OF THE JUDICIARY—ILLUSTRATIVE ANECDOTES—EQUITY AND APPELLATE TRIBUNALS—FORMATION OF CIRCUITS—PROFESSIONAL CHARACTER OF THE MORE EMINENT PRACTITIONERS.

THE early judicial system of Tennessee was modeled after that of North Carolina. In fact the system was established while the Territory was still under the jurisdiction of that State. But the first court established in what is now Tennessee was an entirely original creation of the Watauga settlers, and was formed to meet the exigencies of that frontier colony. It consisted of five members, embracing, it is believed, the following persons: John Carter, Charles Robertson, James Robertson, Zach Isbell and John Sevier, with W. Tatham, as clerk. The jurisdiction of this court included the legislative, the judicial and the executive functions of the infant government. All of the judges, or commissioners as they were sometimes called, were men of distinguished ability, and under their rule the colony experienced a peace and prosperity which it did not again know for many years. This court continued to exercise its authority until 1777, when in April of that year the General Assembly of North Carolina passed an act for the establishment of courts of pleas and quarter sessions, and also for appointing and commissioning justices of the peace and sheriffs for the several courts in the district of Washington. In the following November the district of Washington was organized into a county. The act and its amendments establishing the court of pleas and quarter session defined their jurisdiction as follows: "The court of pleas and quarter session shall have original jurisdiction to hear all cases whatsoever at the common law within their respective counties when the debt exceeds £5, breaches of the peace and other misdemeanors of what kind soever of an inferior nature, and all actions of detinue, trover, suits for filial portions, legacies and distributive shares of intestate estates and all other matters relating thereto." In addition to this they were invested with the powers and duties of a court of probate, and later the establishment of roads, ferries and the like was imposed upon them. They also had appellate jurisdiction in all cases tried before a

single justice. This court was composed of all the magistrates within its jurisdiction, all of whom sat together, but any three of whom were a sufficient number to transact business. A single justice had original jurisdiction to hear all cases brought for debt of £5 or under, and could also try all misdemeanor cases coming under the jurisdiction of the court of pleas and quarter sessions. Superior courts were established by the General Assembly of North Carolina in 1767. They were composed of three judges, two of whom were sufficient to hold court. They had original jurisdiction in cases brought for debts of £100 or more, where the parties to the suit lived in the same district. If the parties lived in different districts the limit was placed at £50. These courts also had original jurisdiction over all crimes of a serious nature, and appellate jurisdiction in all cases from the courts of pleas and quarter sessions.

The first court of pleas and quarter sessions in Washington County met in February, 1778. The following extract is from the journal of that court at its first session, Washington County, February 23. "*Court Journal*: At a court begun and held for the county of Washington, February 23, 1778; Present, John Carter, chairman; John Sevier, Jacob Womack, Robert Lucas, Andrew Greer, John Shelby, George Russell, William Bean, Zachariah Isbell, John McNabb, Thomas Houghton, William Clark, John McMahan, Benjamin Gist, John Chisholm, Joseph Willson, William Cobb, James Stuart, Michael Woods, Richard White, Benjamin Willson, James Robertson and Valentine Sevier, Esquires. On Tuesday, next day, John Sevier was chosen clerk of the county; Valentine Sevier, sheriff; James Stuart, surveyor; John Carter, entry taker; John McMahan, register; Jacob Womack, stray master, and John McNabb, coroner. William Cocke, by W. Avery, moved to be admitted clerk of Washington County, which motion was rejected by the court, knowing that John Sevier is entitled to the office. The following extracts serve to show the prompt and vigorous manner in which this court dispensed justice:

THE STATE, }
 vs. } IN TORYISM.
 ——— }

It is the opinion of the court that the defendant be imprisoned during the present war with Great Britain, and the sheriff take the whole of his estate into custody, which must be valued by a jury at the next court, one-half of said estate to be kept by said sheriff for the use of the State, and the other half to be remitted to the family of defendant.

The following also appears upon the records of the Washington County Court:

On motion of E. Dunlap, State's attorney, that J. H., for his ill practices in harboring and abetting disorderly persons who are prejudicial and inimical to the common cause of liberty, and frequently disturbing our tranquility in general, be imprisoned for a term of

one year. The court, duly considering the allegations alleged and objected against the said J. H., are of opinion that for his disorderly practices as aforesaid, from time to time, and to prevent the further and future practice of the same pernicious nature, do order him to be imprisoned for the term of one year, and is, accordingly, ordered into the custody of the sheriff. On motion of E. Dunlap, Esq., that a sum of money of £1,500 current money due from R. C. to said J. H. for two negroes, be retained in the hands of said R. C., as there is sufficient reason to believe that the said J. H.'s estate will be confiscated to the use of the State for his misdemeanors, etc. The court, considering the case, are of opinion that the said moneys ought to be retained. On motion that commissioners ought to be appointed to take into possession such property as shall be confiscated. The court, on taking the same under consideration, do nominate and appoint John Sevier, Jesse Walton and Zachariah Isbell, Esqs., for the aforesaid purpose.

In some instances the action of these courts may have assumed or encroached upon the legislative prerogative, but these were stormy times and rigorous and energetic measures were necessary. In 1782 the district of Salisbury was divided, and the district of Morgan, which included Washington and Sullivan Counties, was established. Section 5 of the act creating the district is as follows:

AND WHEREAS, The extensive mountains that lie desolate between the inhabited parts of Washington and the inhabited parts of Berke Counties make the transportation of criminals from the former to the latter difficult, and on the way many frequently find means to break custody and escape; *Wherefore*, that offenders in said counties of Washington and Sullivan may be more easily and certainly brought to justice, *Be it enacted by the authority aforesaid*, that one of the judges of the superior court and some other gentleman commissioned for the purpose, or one of them, twice in every year at the court house in Washington County, sit and hold a court of oyer and terminer and general gaol delivery for the trial of all criminal cases whatsoever within the limits of the courts of Washington and Sullivan Counties, one session thereof, beginning on the 15th day of February, and the other on the 15th day of August, and every session shall be continued by adjournment for five days exclusive of Sunday, unless the business shall be sooner finished, and said court shall possess and exercise as full and ample power and authority in all criminal matters within the limits aforesaid as the judges of the superior court of law possess and exercise in other districts, and shall also have power to receive and try appeals from the county courts of Washington and Sullivan Counties.

The first session of this court was begun and held on August 15, 1782, the Hon. Spruce McCay, presiding. Waightstill Avery, was appointed attorney for the State, and John Sevier, clerk. How long this court continued is not definitely known, but if it continued until the establishment of a superior court in Washington District, it failed to accomplish the purpose for which it was created. In writing of this period, Ramsey, who followed Haywood, says that violations of law were permitted to pass unpunished, except by the summary process of the regulators appointed for that purpose by the people themselves, and this is assigned as one of the causes for the organization of the State of Franklin. It is certain that soon after that act of the colonies had taken place, the General Assembly of North Carolina taking notice of the disaffection existing in the western counties passed an act organizing the counties of Washington, Sullivan, Davidson, and Greene into a judicial district, and ap-

pointed an assistant judge and an attorney-general for the Superior Court, which was directed to be held at Jonesboro. This with the other acts passed for the redress of their grievances were not sufficient to restore confidence to the disaffected colonists, and one of the first acts passed by the Legislature chosen for the State of Franklin established a judicial system. David Campbell was elected judge of the superior court and Joshua Gist and John Anderson, assistant judges. Soon after Gov. Sevier, by proclamation, announced the appointment of F. A. Ramsey, Esq., as clerk of the superior court. County courts were also established, and justices of the peace appointed. The salary of the judge of the superior court was fixed at £150 per annum, and that of the assistant judges £25 for each court. By the early part of 1786 these courts were all organized. At the same time commissions had been sent to, and accepted by, several in Washington, Sullivan, and Hawkins counties as justices of the peace, under the authority of North Carolina, and by them courts were held and law administered as though the State of Franklin did not exist. In Greene County, and the new counties below it, men could not be found willing to accept the offered commissions.* Then the authority of Franklin was supreme and no conflict of jurisdiction occurred. It was very different elsewhere, and especially in Washington County, when those who adhered to the government of North Carolina were nearly, if not quite equal in numbers to the friends of the new State. Col. John Tipton refused obedience to the new government, and under the authority of North Carolina held courts at Davis', ten miles above Jonesboro, on Buffalo Creek. Both superior and county courts were also held in Jonesboro by the judges commissioned by the State of Franklin. As the process of these courts frequently required the sheriffs to pass within the jurisdiction of each other, in the discharge of their official duties, collisions were sure to occur. But they did not confine themselves to these casual encounters. Whilst a county court was sitting at Jonesboro, for the county of Washington, Col. Tipton with a party of men entered the court house, took away the papers from the clerk and turned the justices out of court. Not long after a party of adherents to the new government went to the house where a county court was sitting under the authority of North Carolina and took away the clerk's papers, and turned the court out of doors.† The like acts were several times repeated during the existence of the Franklin government. Frequently records were taken and retaken several times, and in that way many valuable papers were lost, causing much annoyance and loss to persons interested in them.

In 1788 the government of Franklin came to an end and the authority of North Carolina was again undisputed. In May of that year

* Ramsey. † Haywood.

courts under the authority of that State were held in Greeneville without interruption, and Andrew Jackson, John McNairy, David Allison, Archibald Roane and Joseph Hamilton, who were licensed by North Carolina, were admitted as attorneys. The General Assembly of the previous year had elected David Campbell, a former adherent of Franklin, to be judge of the superior court for the district of Washington.

Whilst this conflict between the State of Franklin and North Carolina was going on, the people of the Cumberland settlement remained undisturbed in their loyalty to the latter government. In 1783 the county of Davidson was organized and provision was made for the establishment of a court of pleas and quarter sessions. The governor of North Carolina commissioned Anthony Bledsoe, Daniel Smith, James Robertson, Thomas Mulloy, Isaac Bledsoe, Samuel Barton, Francis Prince and Isaac Lindsey as justices to organize the court. The four last mentioned accordingly met at Nashville October 6, 1783, and qualified in the following manner: "The next junior to the senior member present mentioned in the commission administered the oath of office prescribed for the qualification of public officers to the senior member, and then he to the others present." The remainder of the justices appeared and qualified at the next term of the court. Two years later an act was passed establishing a superior court of law and equity for the county of Davidson to be held twice in each year and to have exclusive jurisdiction west of the Cumberland Mountains. The first session of this court was to have been held on the first Monday in May, 1786, but a young man only twenty-four years of age was appointed to be judge, who upon more mature reflection becoming fearful that his small experience and stock of legal acquirements were inadequate to the performance of those great duties which the office devolved upon him, chose rather to resign than to risk the injustice to suitors which others of better qualification might certainly avoid.* This delayed the organization of the court, and it was not until November, 1788, that Judge McNairy, who was appointed to fill the vacancy, arrived in Nashville. The following is the first entry in the journal of the supreme court:

North Carolina—At a superior court of law and equity begun and held for the counties Davidson and Sumner, at the court house in Nashville, on the first Monday in November, 1788. Present, the Honorable John McNairy, judge. Proclamation was made commanding silence under pain of imprisonment, while the judge proceeded in the public business.

The Court then appointed John McCay, clerk and Andrew Jackson, attorneys in behalf of the State for that term. During this year Tennessee County was created and with Davidson and Sumner Counties were

*Haywood.

organized into the district of Mero,* at the same time the jurisdiction of the superior court was somewhat enlarged, and the salary of the judge increased.

A somewhat peculiar and yet wholesome regulation of legal practice was made by the General Assembly of North Carolina in 1786. An act was passed making it unlawful for either the plaintiff or defendant to employ more than one attorney "to speak to any suit in court." It also made it lawful for any plaintiff or defendant to enter his own plea or defend his own cause, and, to encourage this practice, it was provided that "no instrument of writing which contained the substance should be lost or destroyed for want of form, any law to the contrary notwithstanding." A scale of attorneys fees in various cases was fixed by this act and any attorney convicted of taking more or greater fees than those established by law was suspended from practice for a term of one year.

Upon the organization of the Territory of the United States of America south of the River Ohio, no material change was made in the courts. Those holding office under the authority of North Carolina generally continued to serve in the same capacity under the Territorial Government, though a new constitution and a new oath of office were required. The two judges of the superior court, David Campbell and John McNairy, were re-appointed by the President. Joseph Anderson was added as the third judge required by the ordinance establishing the Territory. That ordinance also provided that previous to the organization of the Legislative Assembly, the three judges of the superior court, or two of them, should be associated with the governor in administering both the legislative and executive departments of the government. Judges Campbell and Anderson seem to have been the only ones who served in this capacity, Judge McNairy's name not appearing in any of their proceedings.

The Territorial Assembly, soon after its organization in 1794, passed an act establishing courts, but it was little more than a confirmation of those already in existence, with the exception that provision was made for the appointment of a State's attorney in each county. No change was made in the judges, and they continued to hold their office until the admission of Tennessee as a State, 1796. The constitution adopted in that year did not establish any courts, but left the matter entirely to the Legislature. The following is the article relating to the judiciary:

ARTICLE V.

SECTION 1. The judicial power of the State shall be vested in such superior and inferior courts of law and equity as the Legislature shall from time to time direct and establish.

*This district, for some reason not satisfactorily known, was named for a Spanish officer residing in the "Mississippi Country," with whom the Cumberland settlements had some sort of dealings and disagreements.

SEC. 2. The General Assembly shall by joint ballot of both houses appoint judges of the several courts of law and equity, also an attorney or attorneys for the State who shall hold their respective offices during good behavior.

SEC. 3. The judges of the superior courts shall at stated times receive a compensation for their services to be ascertained by law, but shall not be allowed any fees of office, nor shall they hold any other office of trust or profit under this State, or the United States.

SEC. 4. The judges of the superior courts shall be justices of oyer and terminer, and general jail delivery throughout the State.

SEC. 5. The judges of the superior and inferior courts shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 6. The judges of the superior court shall have power in all civil cases to issue writs of *certiorari* to remove any case or transcript thereof, from any inferior court of record into the superior, on sufficient cause supported by oath or affirmation.

SEC. 7. The judges or justices of the inferior courts of law shall have power in all cases to issue writs of *certiorari* to remove any case or a transcript thereof from any inferior jurisdiction, into their court on sufficient cause supported by oath or affirmation,

SEC. 8. No judge shall sit on the trial of any cause wherein the parties shall be connected with him by affinity or consanguinity, except by consent of the parties. In case all the judges of the superior court interested in the event of any cause, or related to all or either of the parties, the governor of the State shall in such case specially commission three men of law knowledge for the determination thereof.

SEC. 9. All writs and other processes shall run in the name of the State of Tennessee and bear test and be signed by the respective clerks. Indictments shall conclude "against the peace and dignity of the State."

SEC. 10. Each court shall appoint its own clerk, who may hold office during good behavior.

SEC. 11. No fine shall be laid on any citizen of the State that shall exceed fifty dollars, unless it be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine ought to be more than fifty dollars.

SEC. 12. There shall be justices of the peace appointed for each county, two for each captain's company, except the company which includes the county town, which shall not exceed three, who shall hold their office during good behavior.

The failure of this constitution to establish any court may justly be considered as one of its weakest points. A supreme court which owes its existence to the legislative body, and which at any time by the repeal or the amendment of a single act might be altered or abolished, could scarcely be expected to retain its independence, nor could it be expected to endanger its own life by calling into question the validity of a law. For such a court to pronounce an act unconstitutional would be useless, as the Legislature, having a sufficient majority to pass such an act, would upon any question of importance, have a majority to repeal the law creating the court itself. The danger from this was manifested in several instances, and was one of the strongest arguments in favor of the adoption of the new constitution in 1834. In 1829 a controversy arose between the judiciary and the Legislature, and the result was the introduction of a bill which, had it become a law, would have abolished the then existing supreme court. The bill failed to pass by a single vote.

The first General Assembly convened on the 28th of March, 1796.

and soon after passed an act establishing a superior court of law and equity, and a court of pleas and quarter sessions, and defining their jurisdiction and mode of procedure, which did not differ materially from that of the courts under the authority of North Carolina and the Territory. In 1806 the district of Mero was divided into three separate and distinct judicial districts. The counties of Robertson, Montgomery, Dickson and Stewart were constituted one district by the name of Robertson, for which the courts were held at Clarksville. Jackson, Smith and Wilson Counties were organized into the district of Winchester, and courts were held at Carthage. The remaining counties, Davidson, Sumner, Williamson and Rutherford constituted the district of Mero, with the seat of justice at Nashville. The district of Hamilton had been formed in 1793 from the counties of Jefferson and Knox.

On November 16, 1809, an act was passed abolishing the superior court and establishing circuit courts, a supreme court of errors and appeals in its stead. The former was made to consist of one judge, and was to be held twice annually in each county. It was given the same jurisdiction in all matters in common law and equity as belonged to the former superior court, exclusive jurisdiction in all criminal causes and appellate jurisdiction in all cases from the court of pleas and quarter sessions. A solicitor-general and a judge for each circuit were elected by a joint vote of both houses of the General Assembly. The State was divided into five judicial circuits, as follows: First Circuit, Greene, Washington, Carter, Sullivan, Hawkins, Grainger, Claiborne and Campbell. Second Circuit, Cocke, Jefferson, Sevier, Blount, Knox, Anderson, Roane, Rhea and Bledsoe. Third Circuit, Smith, Warren, Franklin, Sumner, Overton, White and Jackson. Fourth Circuit, Davidson, Wilson, Rutherford, Williamson, Maury, Giles, Lincoln and Bedford. Fifth Circuit, Montgomery, Dickson, Hickman, Humphreys, Stewart and Robertson.

The supreme court of errors and appeals was made to consist of two judges in error and one circuit judge, and was to be held annually at the following places: Jonesboro, Knoxville, Carthage, Nashville and Clarksville. The jurisdiction of this court was appellate only. The act creating these courts went into effect January 1, 1810, and Hugh L. White and George W. Campbell were appointed judges of the supreme court. In 1811 that part of the act which required the attendance of a circuit judge in the court of errors and appeals was rescinded, and it was provided that when the two judges of that court differed, the judgment of the circuit court was to be sustained. By the same act the supreme court was given exclusive jurisdiction in all cases in equity arising in the circuit courts. In 1813 a change was made in the court of pleas

and quarter sessions, by which five justices were appointed to hold the court, although the county business was transacted as before by all the magistrates on the first day of the session. New judicial circuits were formed from time to time as new counties were organized. In 1817 the Sixth Circuit was established from the counties of Lincoln, Giles, Maury, Bedford and Lawrence. Two years later the counties of Roane, Rhea, Bledsoe, Marion, McMinn, Hamilton and Monroe were constituted the Seventh Circuit. The counties of Henry, Carroll, Madison, Shelby, Wayne, Hardeman, Hardin and Perry were erected into the Eighth Circuit in 1821. The Ninth Circuit was formed in 1823, from the counties of Perry, Henderson, Carroll and Henry, and all the counties to be established west of Carroll and Henry. The Tenth Circuit, composed of Wayne, Hardin, McNairy, Hardeman, Fayette and Shelby was formed in 1830. At the same time Warren, Franklin, Bedford, Rutherford and Wilson Counties were constituted the Eleventh Circuit, and Henderson and Perry were attached to the eighth. In 1815 the number of judges of the supreme court was increased to three, and Archibald Roane was appointed as the third judge. A fourth judge was added in 1823, and the following year a fifth. In a few months, however, it was again reduced to four and so continued until the change in the constitution was made. In 1831 the office of chief justice was created.

As has been stated, the Legislature of 1829 discussed and voted upon a bill amending the judiciary system. The Senate committee in reporting upon a bill from the House making some changes in the inferior courts, stated that they considered the judiciary system of Tennessee the most expensive and the least efficient of any in the United States. The objections to it as stated by them were "the multiplicity of courts which, either as original or appellate, can take jurisdiction of the same subject matter, the defective mode by which these courts are governed, the great delay of common right to the parties, and the unnecessary expense incurred by the number of courts in which the same cause may be investigated."

The following description of the "law's delay," as given by this committee, leads one to infer that modern law courts are not so degenerate as they are usually considered: "A suit may be commenced before a justice of the peace for a sum not exceeding 50 cents, trial be had thereon, and an appeal taken to the county court; and notwithstanding the small sum in dispute, ambition, spite and other malicious motives frequently operate so as to influence one or both of the parties into a determination to run his adversary into as much cost and trouble as possible. For this purpose lawyers are employed on either side, witnesses are summoned by

neighborhoods to attend court, often at the most busy season of the year, much to their inconvenience and greatly to the injury of their private affairs. The cause may be continued from term to term for years, during which time ill-will, strife, and party animosity prevail, not only between the parties litigant, but unfortunately, the surrounding neighborhood often engages in feuds in consequence of it. At length the cause is tried in the county court where, in all well regulated governments, it should end so far as relates to matters of fact. But instead of ending there, and restoring tranquillity to the neighborhood and relieving a host of witnesses who have been drawn from the cultivation of their farms or from pursuit of their ordinary employment, an appeal is taken to the circuit court, where additional fees must be given to lawyers, clerks, sheriffs, constables and jurymen, and the parties have not gained one inch of ground toward terminating their controversy, but must travel over the same ground in relation to law and facts in the circuit court, and if their purses have not increased in size their animosity toward each other has increased threefold. An appeal then is taken to the supreme court. Lawyers' and clerks' fees are again to be paid, and should judgment be obtained for the plaintiff he may conclude that notwithstanding his road to justice has been tedious, yet he has at length reached the end of his trouble. But even here his hopes, perhaps, are succeeded by disappointment. A bill in equity may be filed in the circuit court or district chancery court and the neighborhood again be disturbed in the taking of depositions. The parties are again compelled to give additional fees to lawyers, clerks and sheriffs. At length the cause is tried before the fifth tribunal. An appeal is again taken to the supreme court from the decree of the chancellor where it is tried a sixth time with additional fees to clerks and other officers."

In estimating the expense of the courts to the State, the committee placed the cost of jurors in the county courts alone at \$58,652 per annum, "an amount more than sufficient to defray the whole expense of our government, including a session of the Legislature each year." The costs in cases taken by appeal to the circuit court are estimated at \$46,500 annually, and the cost of grand jurors at \$30,876.

Previous to 1834 the finding of articles of impeachment against judges and other officers was of quite frequent occurrence. The first case of the kind was that of David Campbell, one of the judges of the superior court of law and equity, impeached in 1803. The articles as presented by the House of Representatives charged him with taking a bribe to the value of \$50 from one James Miller, for which he agreed to procure a favorable decision for the latter in a case brought by John Den

to recover the possession of two tracts of land situated in the county of Knox. The managers on the part of the House were Wharton, Kennedy and Claiborne, who procured Jenkin Whiteside as counsel for the prosecution. The counsel for the defense was Edward Scott, John Williams and Robert Whyte. The oath was administered to the senators by Hugh L. White, and Senator McMinn was chosen to preside. After hearing the evidence and the arguments by the counsel a ballot was taken, which resulted in a verdict of not guilty, the vote standing three for conviction and nine for acquittal. Leave was then given to the senators to have the reasons for their votes recorded, when the following were given by John Gass: "My reasons for saying not guilty on the articles of impeachment exhibited against David Campbell, one of the judges of the superior court of law and equity in this State, are because, if the witness in behalf of the prosecution could have such a corrupted heart as to attempt to bribe a judge to the injury of another man, it is a doubtful case whether the evidence ought to be taken in such latitude as to convict any person, therefore as it appears to me to be a doubtful case, if I should err at all, I wish to err on the side of mercy."

In 1811 articles of impeachment were exhibited by the House against William Coker, judge of the First Circuit. The first two articles charged him with neglecting to hold court on various occasions, and with failing to open and close the sessions of the court properly. The third article charged that "for the corrupt purpose of partiality to his friend," he had refused on one occasion to issue certain writs, to the great injury of the defendant.* The case was continued until the next session of the Legislature, when the defendant was acquitted on the first two articles but convicted on the third by a vote of ten to three, and was accordingly removed from his office. One of the most ably contested cases of impeachment in the history of the State was that of Samuel H. Williams, surveyor of the Seventh District of the Congressional Reservation. He was charged with having demanded and taken extortionate fees, and with having allowed false entries to be made. The trial was begun during the session of 1821, but was continued at the request of the defendant until the next session of the Legislature in 1822. It was taken up again on July 24, of that year, and continued for nearly a month, when he was found guilty upon four of the eleven articles. The attorneys for the defense were Jenkin Whiteside, Samuel Houston, Thomas Washington, Alfred Balch and Charles G. Olmstead, while one of the managers on the part of the House was Felix Grundy.

In 1829 articles of impeachment were found against Joshua Haskell, a judge of the Eighth Circuit, charging him with having, on several oc-

easions, left the court house during the progress of a trial to engage in conversation, business and amusement. The testimony given at these trials throws some light on the character of the courts of those early times and of the houses in which they were held. During the trial of Judge Haskell a witness testified that the house in which the court was held in one of the counties was a very uncomfortable one—"occupied by hogs during the recess of the court and infested with fleas." Another witness, an attorney, stated that during the progress of a certain trial the judge was off the bench from between 9 and 10 o'clock until 12 o'clock, and that upon another occasion during the argument of the counsel, the judge went with him outside of the court house and ate a part of a watermelon—a doubtful example of judicial dignity. Gabriel Fowlkes testified that at one time during a trial he was sent for the judge, and found him "either at the show or in the court house yard;" he was not positive at which place. During the progress of this trial a difficulty arose between the counsel employed as to the admissibility of testimony; the question was referred to a disinterested attorney, the judge being absent, who gave a decision, and the cause progressed. Judge Haskell, however, seems to have been a universal favorite on his circuit, and notwithstanding the testimony he was acquitted of the charge, the vote of the Senate being equally divided.

In 1829 N. W. Williams, judge of the Third Judicial Circuit, was tried upon charges of neglect of official duty. One of the articles of impeachment charged that "while Hopkins L. Turney, an attorney of that court, was arguing before him a certain civil suit concerning an Indian reservation, which suit then and there was and had been on trial for one day, he, the said judge, unmindful of the duties of his office and his obligation to perform them faithfully and impartially to the best of his skill and ability, did carelessly, negligently and unlawfully go to sleep and continue asleep for the space of one hour; waking from his sleep he inquired what suit it was, and being told by said attorney, said he was related to some of the parties, and could not sit in that case." Charges of partiality were also preferred against him. He was acquitted, and it was generally believed that the prosecution was inspired by the animosity of some of the attorneys who practiced before him.

The new constitution of 1834 made no radical change in the judicial system then in existence, but the supreme court was rendered independent of the Legislature by embodying provision for its establishment in that constitution. For the purpose of comparison, the article relating to the judiciary is given in full:

ARTICLE VI.

SECTION 1. The judicial power of this State shall be vested in one supreme court, in such inferior courts as the Legislature shall from time to time ordain and establish, and the judges thereof, and in justices of the peace. The Legislature may also vest such jurisdiction as may be deemed necessary in corporation courts.

SEC. 2. The supreme court shall be composed of three judges, one of whom shall reside in each of the three grand divisions of the State; the concurrence of two of said judges shall in every case be necessary to a decision. The jurisdiction of this court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present supreme court. Said court shall be held at one place, at one place only, in each of the three grand divisions in the State.

SEC. 3. The General Assembly shall, by joint vote of both houses, appoint judges of the several courts of law and equity; but courts may be established to be holden by justices of the peace. Judges of the supreme court shall be thirty-five years of age, and shall be elected for the term of twelve years.

SEC. 4. The judges of such inferior courts as the Legislature may establish shall be thirty years of age, and shall be elected for the term of eight years.

SEC. 5. The Legislature shall elect attorneys for the State by joint vote of both houses of the General Assembly, who shall hold their offices for the term of six years. In all cases when an attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney *pro tempore*.

SEC. 6. Judges and attorneys for the State may be removed from office by a concurrent vote of both houses of the General Assembly, each house voting separately, but two-thirds of all the members elected to each house must concur in such vote; the vote shall be determined by ayes and noes, and the names of the members voting for or against the judge or attorney for the State, together with the cause or causes of removal, shall be entered on the journals of each house, respectively. The judge or attorney for the State, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least ten days before the day on which either house of the General Assembly shall act thereupon.

SEC. 7. The judges of the supreme and inferior courts shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished during the term for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.

SEC. 8. The jurisdiction of such inferior courts as the Legislature may from time to time establish shall be regulated by law.

SEC. 9. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 10. The judges or justices of such inferior courts of law as the Legislature may establish shall have power in all civil cases to issue writs of *certiorari* to remove any cause or transcript thereof, from any inferior jurisdiction, into said court on sufficient cause, supported by oath or affirmation.

SEC. 11. No judge of the supreme or inferior courts shall preside in the trial of any cause in the event of which he may be interested or where either of the parties shall be connected with him by affinity or consanguinity within such degrees as may be prescribed by law, or in which he may have been of counsel or in which he may have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the supreme court shall be thus disqualified from presiding on the trial of any cause or causes the court or the judges thereof shall certify the same to the governor of the State, and he shall forthwith specially commission the requisite number of men of law knowledgeable for the trial and determination thereof. In case of sickness of any of the judges of the supreme or inferior court so that they, or any of them, are unable to attend, the Legisla-

ture shall be authorized to make provision by general laws that special judges may be appointed to attend said courts.

SEC. 12. All writs and other processes shall run in the name of the State of Tennessee, and bear test and be signed by the respective clerks. Indictments shall conclude "against the peace and dignity of the State."

SEC. 13. Judges of the supreme court shall appoint their clerks, who shall hold their offices for the period of six years. Chancellors (if courts of chancery shall be established) shall appoint their clerks and masters, who shall hold their offices for a period of six years. Clerks of such inferior courts as may be hereafter established, which shall be required to be holden in the respective counties of the State, shall be elected by the qualified voters thereof for the term of four years. They shall be removed from office for malfeasance, incompetency or neglect of duty in such manner as may be prescribed by law.

SEC. 14. No fine shall be laid on any citizen of the State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

SEC. 15. The different counties in the State shall be laid off, as the General Assembly may direct, into districts of convenient size, so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles. There shall be two justices of the peace and one constable elected in each district by the qualified voters therein, except districts including county towns, which shall elect three justices and two constables. The jurisdiction of said officers shall be co-extensive with the county. Justices of the peace shall be elected for the term of two years. Upon the removal of either of said officers from the district in which he was elected his office shall become vacant from the time of such removal. Justices of the peace shall be commissioned by the governor. The Legislature shall have power to provide for the appointment of an additional number of justices of the peace in incorporated towns.

The General Assembly, which convened after the adoption of the constitution in 1835, passed an act establishing a supreme court with the same jurisdiction it had previously possessed; also chancery, circuit and county courts. The State was divided into three chancery divisions, for each of which a chancellor was appointed. These divisions were in turn divided into chancery districts, there being nine in East Tennessee, fifteen in Middle Tennessee and six in West Tennessee. Chancery courts, however, were not held in many of the counties until several years after the passage of this act.

The circuit courts were made courts of general jurisdiction, and were given exclusive jurisdiction in all cases triable by jury, both criminal and civil, which had previously come before the county court. The State was divided into eleven judicial circuits as follows: First Circuit, Greene, Washington, Sullivan, Johnson, Hawkins, Grainger and Claiborne Counties. Second, Cooke, Jefferson, Sevier, Blount, Knox, Campbell, Anderson and Morgan. Third, Roane, Rhea, Meigs, Bledsoe, Marion, Hamilton, McMinn and Monroe. Fourth, Smith, Overton, White, Jackson, Fentress and Warren. Fifth, Wilson, Rutherford, Bedford, Coffee and Franklin. Sixth, Williamson, Davidson and Sumner. Seventh, Dickson, Hickman, Humphreys, Stewart, Montgomery and Robertson. Eighth, Lincoln, Giles, Maury and Lawrence. Ninth, Henry, Weakley, Obion, Dyer, Gib-

son, Carroll and Benton. Tenth, Perry, Henderson, Madison, Haywood, Tipton and Lauderdale. Eleventh, Shelby, Fayette, Hardeman, McNairy, Hardin and Wayne. County courts were established to be held by all the magistrates in the county, but one-third of them were made a quorum to transact all business except the levying of taxes and the appropriating of sums amounting to more than \$50. The same jurisdiction was given to the single justice that he had previously exercised.

In 1837 three new judicial circuits were established, the Twelfth consisting of Cocke, Sevier, Jefferson, Grainger, Claiborne and Campbell; the Thirteenth, of Warren, Lincoln, Franklin and Coffee; and the Fourteenth of Lawrence, Wayne, Hardin, Perry, Carroll and Benton. At the same time the counties of Monroe and Roane were attached to the Second Circuit. In 1843 criminal courts were established in Shelby and Davidson Counties, and were given exclusive jurisdiction over all crimes and misdemeanors. Similar courts were established in Montgomery, Rutherford and Wilson Counties in 1848. Sections 3 and 5 of Article VI of the constitution were amended to read as follows:

SEC. 3. The judges of the Supreme Court shall be elected by the qualified voters of the State at large, and the judges of such inferior courts as the Legislature may establish shall be elected by the qualified voters residing within the bounds of any district or circuit to which such inferior judge, or judges, either of law or equity may be assigned, by ballot, in the same manner that members of the General Assembly are elected. Courts may be established to be holden by Justices of the Peace. Judges of the Supreme Court shall be thirty-five years of age, and shall be elected for the term of eight years.

SEC. 5. An Attorney-General for the State shall be elected by the qualified voters of the State at large, and the Attorney for the State, for any circuit or district to which a judge of an inferior court may be assigned, shall be elected by the qualified voters within the bounds of such district or circuit in the same manner that members of the General Assembly are elected; all said attorneys, both for the State and circuit or district, shall hold their offices for the term of six years. In all cases where the attorney for any district fails or refuses to attend and prosecute according to law, the court shall have power to appoint an attorney *pro tempore*.

Upon the reorganization of the supreme court in 1835, William B. Turley, William B. Reese and Nathan Green were elected judges, all of whom had resigned previous to the adoption of the above amendment. Judge Reese in 1848, Turley in 1850, and Green in 1852. Their places were supplied by the election of Robert J. McKinney, A. W. O. Totten and Robert L. Caruthers. At the election in 1853, these men were all re-elected by the people. Judge Totten resigned two years later and William B. Harris was elected to succeed him. The latter continued to hold the office until his death on June 19, 1858, when Archibald Wright was chosen to fill the vacancy. In 1861 Judge Caruthers resigned, and was succeeded by William F. Cooper. During the civil war no term of this court was held, and nearly all of the inferior courts were also sus-

pended. At the close of hostilities Gov. Brownlow declared the supreme bench vacant and appointed Samuel Milligan, J. O. Shackelford and Alvin Hawkins as judges. In 1867 Judge Shackelford resigned, but during the following year was reappointed, Horace H. Harrison having held the office during the interim. During 1868 both Hawkins and Milligan presented their resignations, and their places were filled by the appointment of Henry G. Smith and George Andrews. In May of the next year there was an election by the people under the restricted suffrages which then prevailed, and George Andrews, Andrew McLain and Alvin Hawkins were chosen judges.

The new constitution of 1870 made but little change in the judicial system, except to increase the number of judges of the supreme court to five; a large number of cases had accumulated, owing to the immense amount of litigation immediately following the war; and to expedite business, it was provided, that at the first election six judges should be chosen, and that they should be divided into two sections, who should hold court simultaneously in the same division of the State. It was further provided, should any vacancy occur after January 1, 1873, it should remain unfilled. An election was held in August, 1870, at which the judges chosen were Alfred O. P. Nicholson, James W. Deaderick, Peter Turney, Thomas A. R. Nelson, John L. T. Sneed, and Thomas J. Freeman. The first named was chosen chief justice, which position he held until his death, in 1876, when James W. Deaderick, the present incumbent, succeeded him. In 1871 Judge Nelson resigned and was succeeded by Robert McFarland. At the election in August, 1878, all of the judges then on the bench were re-elected, with the exception of J. L. T. Sneed, whose place was filled by William F. Cooper. The large number of cases coming before the supreme court impelled the Legislature, in 1875, to pass an act providing for the appointment of a special commission, to try causes referred to them, upon the written agreement of all the parties to the suit, or of their attorneys. Their decisions were made final, but were submitted to the supreme court for approval. This commission was appointed to sit for a few months only, at Jackson and Memphis. By a similar act passed two years later, two commissions were appointed, one to sit at Nashville, and the other at Jackson, from May until December of that year. In 1883 a court of referees was established for each of the three grand divisions of the State, to hear civil causes, and to present a statement of each to the supreme court for a final decision, privilege being given to either party to the suit, dissatisfied with the decree of the referees, to file objection to it. The judges appointed for Middle Tennessee were W. L. Eakin, W. C. Caldwell and

John Tinnon; for East Tennessee, John Frizzell, John L. T. Sneed and R. T. Kirkpatrick; for West Tennessee, D. A. Snodgrass, David Bright and John E. Garner. Judge Garner resigned in July, 1883 and was succeeded by E. L. Gardenhire. The court of referees for the eastern and western divisions of the State expired by limitation January 1, 1885, and the one for Middle Tennessee, April 30, 1886. The present supreme court consists of the following judges: James W. Deaderick, Peter Turney, Thomas J. Freeman, W. F. Cooper and J. B. Cooke.

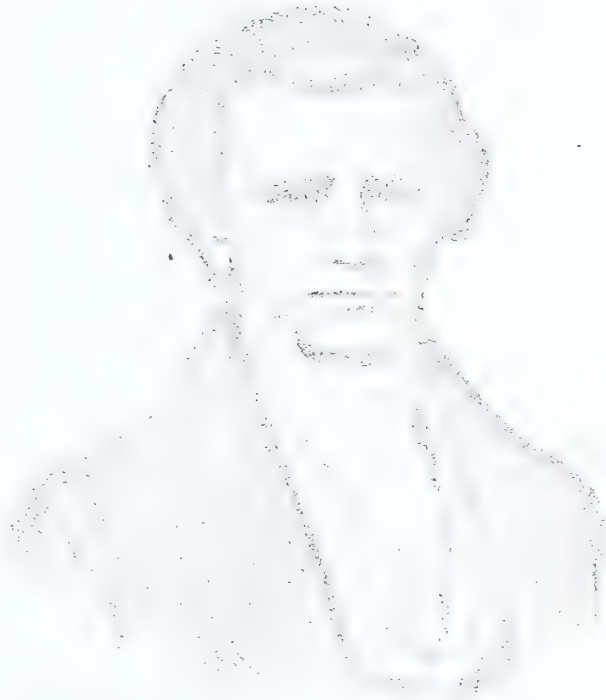
In many of the States within the past few years, the distinction between law and equity courts has been abolished, and equity jurisdiction given to the law courts. The same has been done in Tennessee, to some extent, with this difference, that law jurisdiction has been given to equity courts: In 1877 an act was passed conferring upon the chancery court concurrent jurisdiction with the circuit court of all civil cases, except for injuries to person, property or character, involving unliquidated damages. A large number of suits are, therefore, brought in the chancery court, since upon appeal they are tried *de novo* by the supreme court. In 1870 the State was divided into twelve chancery districts, for each of which a chancellor is elected. Several special courts, probate, criminal and others, have been established to meet the wants of towns, and the more populous counties. In 1870 the law court of Nashville was established to have concurrent jurisdiction with the circuit court of Davidson County, and to be held quarterly. It continued until 1877, when it was abolished.

The jurisdiction of the circuit courts has not been materially changed since the adoption of the constitution of 1834; but owing to the creation of new counties, the judicial circuits have been subject to frequent alterations. As now constituted they are as follows: First Circuit—Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi and Washington. Second Circuit—Claiborne, Campbell, Grainger, Union, Hamblen, Jefferson, Cocke, Anderson and Sevier. Third Circuit—Blount, Monroe, Loudon, Roane, Morgan and Scott. Fourth Circuit—Bradley, Polk, Meigs, Rhea, Bledsoe, Sequatchie, Marion, Hamilton, McMinn and James. Fifth Circuit—Pickett, Fentress, Cumberland, Putnam, Overton, Clay, Jackson, Smith, Macon and Trousdale. Sixth Circuit—Van Buren, Grundy, Franklin, Coffee, Warren, Moore, Lincoln, De Kalb and White. Seventh Circuit—Davidson, Williamson and Cheatham. Eighth Circuit—Wilson, Rutherford, Cannon, Bedford and Marshal. Ninth Circuit—Maury, Giles, Lawrence, Wayne, Hardin, Lewis and Hickman. Tenth Circuit—Sumner, Robertson, Montgomery, Stewart, Houston, Dickson and Humphreys. Eleventh Circuit—McNairy, Chester, Madison, Henderson, Decatur and

Perry. Twelfth Circuit—Obion, Weakley, Henry, Carroll, Gibson, Crockett, Haywood and Benton. Thirteenth Circuit—Hardeman, Fayette, Tipton, Lauderdale, Dyer and Lake. Shelby County constitutes the Fourteenth Circuit; it also has a criminal court. Knox County has a criminal court, the judge of which presides over the circuit court of that county. Davidson and Rutherford, each have a criminal court; but both are presided over by the same judge. Montgomery County also has a criminal court.

By the act of 1885, the State is also divided into eleven chancery divisions as follows: First—Johnson, Carter, Washington, Sullivan, Hawkins, Greene, Hancock, Claiborne, Jefferson, Cocke, Hamblen, Unicoi and Grainger. Second—Knox, Campbell, Sevier, Union, Anderson, Blount, Roane, Loudon, Morgan, Scott. Third—Bradley, Polk, Rhea, Marion, McMinn, Hamilton, Monroe, Meigs, Bledsoe, Sequatchie, Van Buren, Coffee, Grandy. Fourth—Warren, Cannon, Rutherford, Bedford, Franklin, Lincoln, Moore and Marshall. Fifth—Cumberland, Fentress, Pickett, Overton, Clay, Jackson, Putnam, White, De Kalb, Smith and Macon. Sixth—Davidson, Williamson. Seventh—Maury, Giles, Lawrence, Lewis, Wayne, Hickman, Hardin, Perry, Decatur, Dickson, Benton. Eighth—Sumner, Robertson, Montgomery, Wilson, Stewart, Houston, Cheatham, Humphreys and Trousdale. Ninth—Hardin, McNairy, Chester, Madison, Crockett, Henderson, Carroll and Henry. Tenth—Fayette, Tipton, Haywood, Lauderdale, Dyer, Obion, Weakley, Gibson. Eleventh—Shelby.

The act creating Tennessee a judicial district was passed by the Fifth Congress, and was approved January 31, 1797. The first session of the court was ordered to be held at Nashville, on the first Monday of the following April, and thereafter, quarterly, at Knoxville and Nashville, alternately. For some reason the court was not organized until July. The following is the first entry in the records of this court: "Be it remembered that on the third day of July, 1797, a commission from the President of the United States, and under seal thereof, directed to John McNairy, Esq., to be judge of the court of the United States for the district of Tennessee, bearing date the twentieth of February, 1797, was produced and read, whereupon Archibald Roane, a judge of the superior court of law and equity, in and for the State of Tennessee, administered to the said John McNairy the oath to support the Constitution of the United States and the oath of office." Robert Hays produced his commission as marshal and qualified, giving James White and Willie Blount as his securities; Thomas Gray, qualified as United States Attorney, and appointed Henry Brazeale his deputy. Randal McGavock was appointed



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FELIX GRUNDY

clerk of the court. No other business was transacted at this session except to admit W. C. C. Claiborne to practice, and nothing more was done except to open and adjourn the court until April, 1798, at which time the following grand jury was empaneled: Daniel Smith, foreman; Joel Rice, Thomas James, Abram Maury, John Nichols, John Hoggatt, William Turnbull, John Donelson, Thomas Smith, George Ridley, Edmund Gamble, John Childress, Sr., Alexander Ewing, James Mulherin, and Jones Manifee. The jury brought in bills of indictment against Robert Trimble and Archibald Lackey for entering the Cherokee country without obtaining a pass. They were tried at the October term and fined \$25 and \$10, respectively. In 1801 Tennessee was divided into two districts, and at the same time the Sixth Judicial Circuit was established to consist of the districts of East and West Tennessee, Kentucky and Ohio. The court was made to consist of one circuit judge, and the judges of the districts of Kentucky and Tennessee, two of whom constituted a quorum. The first session of this court was begun and held at Nashville, April 20, 1802. James Robertson administered the oath of office to Henry Innis, of Kentucky, and John McNairy, of Tennessee, as judges of the circuit court. Robert Hays qualified as marshal, and Randal McGavock, as clerk. At the October term William McClung was admitted as judge of the circuit court and presiding judge. The act of 1802 was repealed in 1807, and the Seventh Circuit, embracing Ohio, Kentucky and Tennessee, was established. The court convened June 13, 1808, Thomas Todd, associate justice, and John McNairy, district judge, being present. Robert Searcy was elected clerk, and John Childress qualified as marshal. But little business of importance was transacted by this court for several years. In 1827 Judge Todd was succeeded by Robert Trimble as associate justice.

John McNairy continued judge of the district of Tennessee until 1834, when he was succeeded by Morgan W. Brown, who held the office until 1853. In 1838 an act was passed requiring a session of the district court to be held at Jackson in September of each year. The following year the territory west of the Tennessee River was constituted a separate district. One judge continued to preside over the courts of the three districts of the State until 1877, when E. S. Hammond was appointed judge for the district of West Tennessee. In 1853 West H. Humphreys was appointed district judge for Tennessee by President Pierce. He continued to hold the office until 1861, when he accepted a commission as judge under the Confederate Government. He was then convicted on a trial of impeachment by the United States Senate, and Connolly F. Trigg was appointed to succeed him. No session of the district court was held at

Nashville from April, 1861, until June 3, 1862. The following is in the records at the opening of the court on that day: "Be it remembered that on the third day of June, eighteen hundred and sixty-two, the District Court of the United States for the district of Middle Tennessee, was opened for the transaction of business. Present, the Hon. John Catron, associate justice of the Supreme Court of the United States, assigned to hold court in the Eighth Circuit, and authorized by law to hold the United States District Court for this district in the absence of the district judge. Present, also, H. H. Harrison, clerk, and E. R. Glasscock, marshal." At the March term, 1863, it was ordered by the court that no attorney be allowed to practice who had not taken the oath to support the constitution, since the restoration of Federal authority in the district. Accordingly several attorneys appeared and took the oath. During the three or four years following the attention of the court was chiefly occupied with cases of conspiracy and confiscation. On July 15, 1862, an act was passed increasing the number of associate justices of the United States Supreme Court, which also increased the number of judicial circuits, the States of Louisiana, Texas, Arkansas, Kentucky and Tennessee being constituted the Sixth Circuit. In 1866 the circuits were again changed, and Ohio, Michigan, Kentucky and Tennessee have since formed the Sixth Circuit. H. H. Emmons was appointed circuit judge in 1869, and continued in the office until 1877, when he was succeeded by John Baxter. Judge Baxter died in April, 1886, and was succeeded by Howell E. Jackson.

The bench and bar of Tennessee have always been able to challenge comparison with that of any other State in the Union in point of ability, and especially was this true during the early part of the present century. The data for the characterization of some of the most eminent lawyers and jurists has been obtained from personal recollection and from various publications. Of those who were identified with the courts while they were yet under the authority of North Carolina, and later under the Territorial government, none occupied a higher position in the estimation of the people than Col. David Campbell, who, it has been said, "left the savor of a good name wherever he was known." For some twenty-five years of his life, he was in the public service, either as judge or legislator, and was ever distinguished for his wise council, and sound judgment. He was a judge of the superior court under the authority of North Carolina, both before and after the existence of the State of Franklin, under which he also held the same position. In the spring of 1790 he was appointed Territorial judge by the President, which office he held until the organization of the State. Upon the resignation of

W. C. C. Claiborné, a judge of the superior court in 1797, he was appointed to fill the vacancy, and continued on the bench until the abolition of the court. He was soon after made one of the judges of the Mississippi Territory, and died in the fall of 1812. Associated with him upon the bench of the Superior Court of North Carolina, and also as a Territorial judge, was John McNairy, a man some years his junior, but not his inferior in point of ability. Judge McNairy organized the first superior court west of the Cumberland Mountains, and on his journeys through the wilderness from Jonesboro to Nashville he had several narrow escapes from the Indians, and on one occasion lost his horses, camp equipage and clothing. He continued upon the bench of the superior court after the organization of the State for about a year, when he was appointed district judge of the Federal courts for Tennessee, which office he held until 1834. He died three years later at an advanced age, having served upon the bench for the extraordinary period of forty-six years. His whole judicial service was distinguished by a disregard of persons and parties, and an unswerving devotion to truth and justice. The following epitaph, written by his nephew, is very appropriate:

In council wise, of artless mind,
 E'er honest he and passing kind;
 Fair Peace through life her smiles did lend;
 None knew but loved this gentle friend.

Accompanying Judge McNairy on his first trip to hold court at Nashville in 1788 was a young man just entering upon the practice of law, and who subscribed himself A. Jackson.* It proved to be a most opportune arrival for the young advocate, as his peculiar talents were in demand at that time. "The only licensed lawyer in West Tennessee being engaged in the service of the debtors, who, it seems, made common cause against their common enemy, the creditors,†" Attorney Jackson was made public prosecutor, and immediately secured a large patronage from the creditor class, whose rights he fearlessly championed. He continued the practice of his profession without interruption until the organization of the State, after which he was almost continuously in the public service until the close of his presidential term. He was upon the bench of the supreme court for a period of six years, but neither as a lawyer nor as a jurist can he be said to have exhibited any great ability, although there is

*Previous to the appointment of John McNairy to be judge of the superior court, the office, in 1784, as stated by Haywood, was tendered to a "young man of the age of twenty-four years." Putnam, in his history of Middle Tennessee, page 245, quotes the passage referred to and adds: "This same 'young man' advanced in years, increased in qualifications, attained to honors and office, until he received for eight consecutive years from the people of the United States and the national treasury a salary of twenty-five thousand dollars per annum. Such was the career of Judge Jackson, the 'young man,' and Gen. Jackson, hero of New Orleans and President of the United States." As Gen. Jackson was born in 1767, at the time the appointment to the office was made he was only seventeen years of age, which would clearly indicate that Putnam was mistaken as to the identity of the "young man."

†Parton's Life of Jackson.

little doubt that, had he chosen to devote himself to the study of his profession with the unremitting diligence necessary to the acquisition of deep and varied legal knowledge, he might have attained very high rank. His temper, however, was too fiery and impetuous and his inclination to an over-hasty avowal of expressions, which had not solidified into opinions, too great to have secured for him the reputation of a sound and impartial judge. Gen. Jackson and Judge McNairy were closely associated for many years, but the removal of Gen. Robertson from the Chickasaw agency through the influence of the latter, produced a breach between them which was never entirely healed.

John Overton, the successor of Gen. Jackson upon the bench of the superior court, was a native of Virginia, where he received his education. Before attaining his majority he removed to Kentucky, and there began the study of law. After completing his legal education he came to Tennessee and opened an office at Nashville in 1798. The litigation at that time was chiefly concerning the titles to real estate, and the best lawyers made that part of their practice a specialty. Judge Overton at once obtained a large practice, which he held until he was transferred to the bench in 1804. "During the protracted period of his service upon the bench he delivered many able and luminous opinions, which are yet held in high respect in the courts of Tennessee and the adjoining States; opinions bearing conclusive evidence of deep legal learning, of unsurpassed labor and research, and of a vigorous and elastic intellect. Judge Overton's knowledge of the common law was such as few of his contemporaries had succeeded in acquiring, and his mind seemed to be singularly adapted to the disentangling of complex questions of mixed law and fact, and to the attainment of sure and satisfactory conclusions by processes which owed their effectiveness far more to the exercise of a solid and penetrating common sense than to the often misapplied rules of a subtle and artificial logic."* After his retirement from the bench in 1816 he again entered into the field of litigation, where he continued to add to the already high reputation which he had acquired as a judge.

The successor of Judge Overton was Robert Whyte, a native of Scotland, and a very excellent lawyer and judge. He continued to serve upon the bench of the supreme court until the adoption of the new constitution, in 1834, when he retired from public life. He was a laborious and accurate lawyer, and, like most of his countrymen, exceedingly tenacious of his views and opinions.

George W. Campbell was an early member of the bar at Nashville, and at different times during his long and varied career enjoyed a large

*Bench and Bar of the South and Southwest.

and lucrative practice. He was a native of Scotland and possessed all the indomitable perseverance of his race. He was reared in poverty, and at an early age was thrown upon his own resources by the death of his father. By teaching school he worked his way through Princeton College, taking the junior and senior courses in one year and yet graduating with third honors. He then resumed teaching school in New Jersey, and meanwhile began the study of law. He completed his legal education in North Carolina and soon after located at Knoxville, where he immediately took rank with the best lawyers in Tennessee. He was not what is usually termed a ready debater, and rarely spoke upon any important question without previous preparation. During his brief career upon the bench he exhibited the same untiring diligence which characterized him in every other sphere. He removed to Nashville in 1810 and served as judge of the supreme court. For about a year after his resignation he filled successively the offices of United States senator, Secretary of the Treasury and Minister to Russia.

Parry W. Humphreys was appointed a judge of the superior court in 1807 and continued to act as such for three years. He was afterward elected a member of the XIII Congress, and was also one of the commissioners elected to settle the disputed boundary line between Kentucky and Tennessee. He was finally appointed by the Legislature to be judge of what was then the Fourth Judicial Circuit, which position he filled for a period of fifteen years. He is still remembered for the courtesy and urbanity of his deportment to the bar and for his incorruptible integrity.

One of the best known and most highly esteemed members of the legal profession in East Tennessee during the early times was Pleasant M. Miller. He was born and reared in Virginia, but immigrated to Tennessee in 1796, locating at Rogersville. Four years later he removed to Knoxville, where he remained until 1824, when he again removed, locating this time in West Tennessee. He is said to have been a most civil and affable gentleman, easy and unaffected in conversation, and a great lover of wit. He was consequently a general favorite with other members of the bar, as well as with the public.

In making mention of the early members of the profession in Tennessee, the name of Gen. Sam Houston must not be omitted, although he never won much distinction at the bar. After the war of 1812 he read law for a short time with James Trimble and was admitted to practice. His legal knowledge was not very extensive, nor was the profession much suited to his taste. He consequently soon abandoned it for the more congenial sphere of politics, where his native ability, strong

force of character and fine personal appearance gave him great influence with the people. With his entrance into political life his connection with the profession ended.

Of the many illustrious names in the history of the bar of Tennessee during the early part of the century none is more conspicuous than that of Jenkin Whiteside.* Jenkin Whiteside has come down to the men of this generation exclusively as a great land lawyer. No one was more familiar than he with all that Coke and Blackstone and the other English writers have said in their labored and profoundly reasoned treatises upon the laws of real property. No one had mastered more fully than himself the principles involved in the doctrine of executory devises and contingent remainders. No lawyer of his time could talk more learnedly and luminously upon the celebrated rule in Shelley's case, and he manifested a steady energy and masterly dexterity in the management of all the sharp points and subtle devices that appertain to the trial of actions of ejectment, which things gave him many advantages over a sluggish and less wily adversary. No man could be more conversant than was Jenkin Whiteside with the whole history of land titles in Tennessee, as well as with the operations of the land offices both in that State and North Carolina—a species of knowledge quite indispensable to success in the arduous but profitable vocation in which he had enlisted and upon which his attention had been concentrated in a manner rarely exemplified. He was undoubtedly a man of vigorous understanding, of wonderful sagacity and acuteness, devoted much to money-making, and especially delighting in what was known as speculation in uncultivated lands, of which he had, in one way and another, at different times accumulated large bodies, the titles to which were not rarely involved in troublesome and expensive litigation.

Personally he is described as a man of rough and unimposing exterior, of awkward and ungainly manners, and had no relish whatever for those elegant and refined pursuits which are understood to distinguish polished and aristocratic communities. He was, however, civil and unobtrusive in his general demeanor, not deficient in public spirit, and of a coarse and unpretending cordiality which made him many friends and no enemies.

Contemporary with this great land lawyer was Felix Grundy, the greatest criminal advocate that ever practiced in the courts of Tennessee. As a more extended sketch of him is given in another chapter, only a brief characterization by Judge Guild is here inserted. "Judge Grundy was not what may be called a book man or a book lawyer. To his fine

* Bench and bar of the South and Southwest.

voice and inimitable action there was added a brilliant intellect, through which ran a vein of strong common sense. He was good at repartee, and his wit fairly sparkled. He possessed in a marked degree the power to arouse and sway the passions of the heart, to excite sympathy or indignation, to parry the blows of an adversary, and to carry his point by brilliant charge. He was a consummate judge of human nature, and this rendered him unrivaled in the selection of a jury. He was unsurpassed in developing the facts of a case, and wonderful in the cross-examination of a witness introduced against his client. He generally relied upon his associate council to bring into court the books containing the law of the case on which they were employed, and the law was read and commented upon by those associates, and then when Mr. Grundy came to close the case, so clear were his deductions, so striking his illustrations, so systematically would he tear to pieces the superstructure of the opposing council, and so vividly portray the right and justice for which he contended, that all who heard him regarded him as the finest lawyer of that or any other age. So thoroughly did he carry the crowd with him that he may be aptly likened to Paul when he made his great speech before King Agrippa, and extorted from that monarch the expression 'almost thou persuadest me to be a Christian.'"

Another contemporary, in many respects the opposite of Judge Grundy, was Hugh Lawson White, a man remarkable alike for his eccentricities, and for the very high order of his mental and moral endowments. He had but little taste for general literature, but in all that pertains to his profession he was well versed, and there was no one for whom he had greater contempt than for the "case lawyer," except it was a mere "case judge." His incorruptible integrity, and his straightforward contempt for any advantage obtained from legal quibbles gave him so strong a hold upon the esteem and confidence of the community, that it would have been difficult to empanel a jury not biased in his favor. He was a deep and comprehensive thinker, was remarkable for his powers of comparison, had an acute sense of the ludicrous and was a lover of wit. His sentences were generally short, and so selected and arranged that whatever he said could be readily followed. He was appointed a judge of the superior court of law and equity in the fall of 1801, and continued on the bench until April, 1807. Two years later he was elected a judge of the supreme court of errors and appeals, which office he held until December, 1814. While on the bench his intercourse with the members of the bar was marked by that kindness and genuine courtesy which characterized him in every relation in life. The perspicuity, accuracy and uncompromising honesty of his opinions raised him into such high

and universal estimation that his final resignation of his seat was received with great regret.

Another member of this galaxy of brilliant legal minds was, for a time, Thomas H. Benton, who removed from the State in 1810. He began the practice of law in Franklin, and it is said that from the first he was "much fonder of political pursuits than of the study of law books, and greatly preferred the making of stump speeches to the argument of legal cases." He seems not to have applied himself with diligence to his profession, and his practice as a lawyer was never large. But he was destined for a broader field of usefulness. Possessed of a commanding intellect, of large and liberal culture, industrious, temperate, resolute and endowed with a memory whose tenacity was marvelous, he soon placed himself in the front rank of those who shaped the councils of the nation, and for many years he exercised almost unbounded control over the politics of not only his own State but the entire West, where he molded public opinion to suit himself. His history, however, belongs rather to Missouri than to Tennessee.

Without doubt the greatest jurist ever upon the bench in Tennessee was John Haywood,* who, previous to his coming to the State in 1807, had already secured the highest judicial and professional honor in the courts of North Carolina. That he was especially adapted to his chosen profession is evident from the fact that without the advantages of a library, or the benefit of legal tuition in a lawyer's office, he fitted himself for the practice of law, and so thorough was his preparation that when at the age of twenty-four years he made his first argument before the supreme court, he is said to have displayed as much learning and as comprehensive a view of the great landmarks of the law as any argument that had ever been made before it. The following characterization of him by a contemporary is an eminently correct one: "Judge Haywood was a fine genius and a most powerful and unrivaled advocate. In tact and eloquence—such eloquence as reaches the heart and convinces the judgment—he had no equal in Tennessee. He was often employed with and against the late Felix Grundy in the most critical criminal cases, and it would not be saying too much, perhaps, to say that as an orator he was equal if not superior to that distinguished advocate. Both had been on the supreme bench of their respective States, and both came to Tennessee preceded by the most brilliant reputations. Both were men of great learning and attainments, but in all the learning which pertained to his profession Judge Haywood stood far in advance of his great rival. He possessed inexhaustible stores of imagination; was quick and ready

*The publishers designed to have the portrait of Judge Haywood appear in this work, but notwithstanding wide inquiries were made, no likeness of him of any description could be found.—ED

in argument, and prompt in reply. But withal his judgment was too much under the dominion of imaginative faculty, which gave to some of his opinions too great an air of eccentricity and uncertainty. He had many sympathies in common with his fellow-men, and highly cherished their good opinion, particularly of his own fame. He was ambitious in the highest degree, somewhat overbearing in his desire to be considered 'the court,' and perhaps thought too highly of his own and too little of his brother judges' opinions, and felt that he was the master-spirit in the settlement and determination of all leading questions of jurisprudence. I do not think I should do him injustice if I should say he never delivered an opinion without desiring the presence of a large audience."

Associated with Judge Haywood for a time, upon the bench of the supreme court of Tennessee, was William L. Brown, a man possessing many traits of character in common with that eminent jurist. He began the practice of his profession in Clarksville, Tenn., but considering that field too narrow for his abilities he removed to Nashville. He was ambitious in the highest degree, and his tenacity of purpose was such that no difficulty, however great, could deter him from an undertaking. His knowledge of the law was such as few men succeed in acquiring, and his scholarly attainments, although not so extensive, were yet respectable. Gov. Foote says of him: "A man of a more fervid and insatiable ambition has never lived, though the purity and elevation of his nature effectually held him from all those low and debasing arts by which a meretricious fame is so often acquired. A legitimate and honest celebrity he sought for with all the earnestness of a zealous and hopeful temperament; he toiled for it with exhaustless assiduity. He meditated upon the means by which it was to be realized through many an anxious day and many a restless night. He seemed to have been born with an indomitable confidence in his own capacity for self-advancement, and his ultimate realization of a splendid destiny commensurate with his aspirations and indispensable to his earthly happiness." In 1822 he was appointed a judge of the supreme court, but remained upon the bench only two years. The duties of the office were distasteful to him, and he preferred the excitement of the advocate rather than the calm dignity of the judge. The chief cause of his resignation, however, is said to have been that "he was not content to occupy a place where the overshadowing influence of Judge Haywood's long established fame necessarily held him in secondary dignity." His retirement was a subject of universal regret.

In striking contrast with this remarkable man was his successor, John Catron, a man as "simple minded and as simple mannered as a child." Yet with all his innocence and generous simplicity he had a mind of

wonderful vigor and acuteness, and his powers of judicial analysis have rarely been excelled. His capacity for labor was enormous, and his incorruptible integrity as a judge was never questioned. Born of obscure parentage and reared in poverty his early education was somewhat limited, and he was never able in later years to entirely supply its deficiency. He began his legal career in the town of Sparta, where he soon gained a reputation for ability, but like many other ambitious young men he longed for a broader field of activity, and accordingly, in a short time, removed to Nashville, where his superior talents in a few years elevated him to the highest judicial position in the State. He remained on the bench of the supreme court until the change of the judicial system by the constitution of 1834, when he again resumed the practice of his profession. President Jackson, on the last day of his second term, appointed him as a judge of the Supreme Court of the United States, which office he held until his death, a period of more than thirty years.

Henry Crabb, the successor of Judge Haywood upon the bench of the supreme court, was for many years a member of the Nashville bar, and a rival of William L. Brown, in opposition to whom he often appeared in the most important cases. He was a well-balanced, dignified, imperturbable, polished gentleman, of more than ordinary talents and of considerable learning. He had a decided advantage over his more excitable rival whenever they were thrown into professional antagonism. His calm self-possession, quiet sarcasm, and half-concealed raillery so excited the feelings of his adversary that on more than one occasion an appeal to "the code" seemed imminent. The opinions delivered by him during the brief period that he occupied his seat upon the bench show him to have possessed a thoroughly judicial mind. Cave Johnson, a sketch of whom appears in another chapter, was for many years a practitioner of law, and accumulated a handsome fortune by his energy, shrewdness and practical intelligence. He was always a persuasive, earnest and eloquent speaker, and thoroughly skilled in debate, but for some thirty years of his life he was too deeply immersed in politics to achieve the highest distinction in his profession.

William E. Anderson, who came to Nashville about 1825, was a man who attracted universal attention, not only on account of his gigantic stature, but from his otherwise commanding appearance. His distinguishing characteristic was strength, both physical and mental. He was not, however, a very diligent student, and was somewhat inclined to excessive self-indulgence and conviviality. He stood high at the bar and his services were eagerly sought, but he was too negligent in the preparation of his cases to be a truly successful lawyer. He was for a time a

judge of the circuit court, and removed to Mississippi about 1845. Several other members of the profession of this period possessed scarcely less ability than those already noticed, but perhaps through force of circumstance or lack of ambition did not attain the eminent distinction accorded to their more fortunate contemporaries. In this class may be mentioned James Trimble, who practiced his profession in Knoxville and Nashville for nearly twenty years, and for a time was upon the bench of the circuit court. He was well acquainted with all that pertained to his profession, and was also a thorough student of general literature. In his law cases he was laborious, and was indefatigable in his efforts for his clients. His style of speaking was conversational, but the zeal and interest which was manifested by the tone of his voice and the flash of his eye carried conviction to the minds of a jury. His energy, however, proved too much for his strength, and while yet in the prime of life he died from the effects of overwork.

Another talented member of the profession at this time who was cut off in early manhood was John Dickinson. Born and educated in Massachusetts he came to Nashville a young man, and while serving as deputy clerk of the United States Court prosecuted the study of law. His energy and industry soon qualified him for his profession, in which he soon rose to distinction and took his place by the side of the ablest advocates of the time. He was faithful to his business, and manifested the most unswerving honesty in all his dealings. He was one of the ablest lawyers of his day, and acquired a large and remunerative practice. Had a longer life been granted him it is doubtful if his fame would have been circumscribed by the narrow limits of the State.

"Toward the close of the last century a very worthy Dutch family was residing in the town of Lebanon, Tenn., now so celebrated for its institution of learning and specially for its law school. The Yerger mansion is still standing and in a comfortable state of preservation. In this house were born eight worthy gentlemen, all brothers, and all but one of them practitioners of law."* None of the brothers remained permanently in Tennessee, but at least two of them won high reputations before removing from the State. George S. Yerger, the eldest brother, officiated for some years as reporter of the judicial decisions of the Supreme Court of Tennessee, at first alone and afterward with his younger brother. His early education was somewhat limited, but this deficiency was more than supplied by his great store of legal knowledge, which, although it had been obtained in a somewhat irregular manner, was thoroughly digested and ready for use at any moment it might be wished. He possessed in-

*Bench and Bar of the South and Southwest.

tellectual faculties of a high order, was kind and generous in all his impulses, and was alike "devoid of envy, of low selfishness, of narrow and irrational prejudices and of overweening ambition." He moved to Mississippi in 1839, and in the courts of that State he succeeded in maintaining his high reputation unimpaired to the end of his life. J. S. Yerger possessed many qualities of mind in common with his elder brother, but was perhaps of a more sociable disposition, and possessed conversational powers of a most entertaining and instructive order. He was widely read, and his general education was thorough and complete. He was a good judge of both men and their motives of action, and consequently was unsurpassed in the selection of a jury. He, too, removed to Mississippi, where he became eminent both as a judge and an advocate.

Thomas H. Fletcher began life as a merchant, but becoming involved financially during the crisis of 1818-19, he was led to the study of law, and soon came to be recognized as one of the leading members of the bar. "Although he had a large and general practice, he stood pre-eminently high as a criminal advocate, and possessed all the requirements for success in that special forensic field. A good judge of human nature, knowing its strong and its weak side, he selected his jury with great discrimination, and having a heart as tender as a woman's his feelings were naturally with his clients in their distress, and he always made their cause his own. There have been great criminal lawyers in Tennessee, but few his equal and none his superior. His voice was clear and strong, his manner earnest and excited but never rude and boisterous; pathetic or humorous as the occasion suggested, he always spoke with good taste and made perhaps fewer failures than almost any other lawyer at the bar. He was very popular with the profession, especially among the younger lawyers, whom he always treated with the utmost kindness and courtesy. His reading was extensive, and not confined to professional works, and often beguiled his leisure hours in composition for the newspapers on the ephemeral subjects of the day. There was in his manner no rudeness, in his speech no coarseness or invective, and his sympathy for the misfortunes of his fellow-men was unbounded."* His death, which occurred from apoplexy brought on by over-exertion, was the subject of universal regret.

Jacob Peck, for twelve years a judge of the supreme court of errors and appeals, and at the time of his death one of the oldest attorneys in the State, was licensed to practice in 1808. He was a native of Virginia, but removed to Tennessee at a very early period of his life. He was a man of varied talents and extensive knowledge, and his genius was

*John M. Lea in *Nashville Banner*.

of a high order. He had an especial fondness for painting, poetry, and music, and also took much delight in the study of zoology and mineralogy, in which sciences he was looked upon as an authority.

Edward Scott, who presided on the bench of the Knoxville Circuit for nearly thirty years, was a man of great eccentricities, and many amusing stories are told of him. He was a native of Virginia, but came at an early day to Tennessee. He was a hard student of text-books and reports, but failed to get down to the broad, underlying principles of the law, and was consequently looked upon as a case lawyer. While on the bench, he administered the law as he remembered it, and seldom threw himself upon his own mental resources. He was never partial to young lawyers either in manner or speech, but was frequently rude and uncivil, though he was a man of kindness and tender sensibilities. In 1820 he published his revision of the laws of Tennessee in two large volumes. This served the lawyers and judges of the State for their principal reference until the compilation of Caruthers & Nicholson was published in 1838.

Pryor Lea was a prominent member of the early bar of East Tennessee. He was a native of Grainger County, and attended Blount College while under the presidency of Samuel Carrick. He was an indefatigable student, and at the bar his *forte* was special pleading. He removed to Mississippi about 1836 or 1837, and later went to Texas, where he recently died at a very advanced age.

Col. John Williams was one of the pioneer lawyers of East Tennessee, but his career as a politician eclipsed his legal career. He served as a member of the General Assembly, as a United States Senator, and was sent as minister to Guatemala by President Adams. He was a brother of Thomas L. Williams, who rather excelled him as a lawyer. He was most courtly and fascinating in his manners, and although not an eloquent speaker, possessed a wonderful personal magnetism.

If it be possible to divide the history of the legal profession in Tennessee into eras, it may be said that the reorganization of the courts in 1834 marks the beginning of a new era. At that time those intellectual giants Whiteside, Grundy, Haywood, White and others, around whom the events of the first two or three decades of the century cluster, had almost without exception retired from practice or had been removed to the higher courts above. But as they disappeared, one by one, their places were filled by men of scarcely less ability and renown. The new supreme court was organized with Nathan Green, William B. Reese and William B. Turley, as judges, and it is doubtful if the bench of that court has ever been filled by men of more uniformly distinguished ability. Judge

Green was a native of Virginia. He possessed but few advantages of education, but with a strong will, a vigorous intellect and an eager thirst for distinction, he soon placed himself upon a level with those who had been favored by higher opportunities. He began his career as a lawyer in the Mountain District where he soon took a prominent stand among the members of the bar. In his practice he preferred the chancery department, and loved especially to deal with the great and broad principles of the law. For nearly a quarter of a century he occupied a place upon the bench, and was ever distinguished for his amenity and courtesy, his learning and ability, his truth and integrity. His opinions do not abound with brilliant passages like some of Judge Turley's, nor are they marked by the pure and elegant though somewhat involved style of Judge Reese, but are always clear and discriminating and logical. Personally he is described as a man of majestic stature, of a highly commanding aspect, and of sedate and gentlemanly manners. After his retirement from the bench he was associated with Judge Caruthers as professor of the law department of Cumberland County, at Lebanon. Judge Reese was a man of unquestioned uprightness, and of the most ample legal attainments. His general scholarship and literary culture probably excelled that of either of his colleagues. His style as exhibited in his opinions is marked by elegance, and is in full keeping with his excellence of reasoning. He was eminently qualified by nature and education for the duties of the bench. "An impartiality that knew no bias, an inborn love of justice that experienced no abatement, an almost instinctive perception of the truth joined to his profound knowledge of the law, his patience and industry in research, his enlargement of mind by a general and varied learning, his solidity of judgment, combined to make him one of the first judges that Tennessee has yet produced;" as an attorney he possessed scarcely less ability. His care in the preparation of cases, his logical reasoning and terrible sarcasm, and his thorough acquaintance with legal science, made him a formidable adversary to even the distinguished men who adorned the bar of East Tennessee when he practiced in her courts.

William B. Turley was at one time, a member of the Clarksville bar, where he laid the foundations for a brilliant career. Previous to his elevation to the supreme bench he served for many years as a judge of the circuit court, where he was distinguished for an uncommon facility in the dispatch of business. He brought to the discharge of his duties an enlightened mind, well stored with legal knowledge, and his temper, without being imperious or irascible, was firm and decided. His opinions are distinguished for their perspicuity, polished language and exact and logical reasoning. He was an industrious student, very fond of reading,

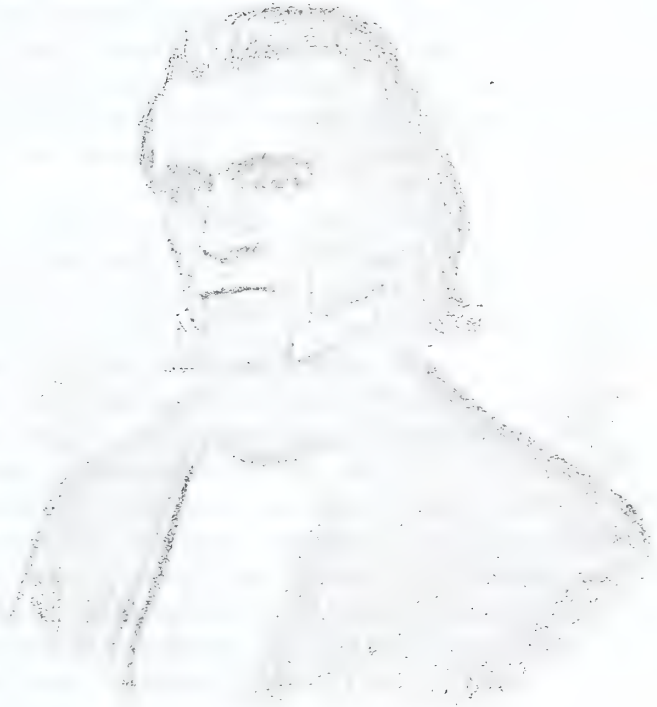
extensively informed and had a memory of wonderful tenacity; but he was not remarkable for close and persevering application to business. After his retirement from the supreme court, in 1850, he was judge of the common law and chancery court of Memphis until his death about eighteen months later.

The bar of East Tennessee has always been distinguished for its superior ability, but of the long list of illustrious names engraven in its temple of fame, none occupy a higher position than that of Robert J. McKinney, the successor of Judge Reese. He was a native of Ireland, but spent the greater part of his life in Tennessee. His arguments at the bar were always remarkable for their logical force and precision, their freedom from all circumlocution or mere parade of words, and were occasionally tinged with something approaching sarcasm and irony. On the bench he was diligent, painstaking and unrelaxing in his labors, as his reported opinions so satisfactorily attest. He was accused of being occasionally a little too stern and austere in his demeanor toward members of the bar, and was not a little inclined to caution attorneys to avoid anything at all approaching a superfluity of illustration.

Robert Looney Caruthers, the successor of Judge Green, has been said, by those who knew him, to have been the best advocate that Tennessee ever produced. That he was a most remarkable man is evident from the fact that reared in comparative poverty, without influential friends, he raised himself by his own efforts to the foremost place in the estimation of the people. Although he held several official positions he had but little fondness for political life, and it was in the law that he found what was most congenial to his taste, and which best occupied his great intellect. His marked characteristic as a lawyer was persuasive logic, based upon a substratum of common sense. His powers as a declaimer merely were not of the first order. He perhaps despised the mere tinsel and glare of what is frequently mistaken for true eloquence. Gentle of nature, both in manner and feeling, he preferred to carry with him the conviction of the audience by soft and mild leading rather than bold assertion and overwhelming dominance. But to attain his ends, success in his profession and success in his courses, he never condescended to trickery or unworthy arts of any description. He was laborious in the preparation of cases; he trusted nothing to chance or inspiration; he left down no gaps; he tightened up the loose joints, and always came to the battle fully armed and equipped. He had great power of labor, which if not genius or talent is yet their necessary concomitant, if success is to follow. But above all things perhaps his most available means, especially before juries, was he "knew what was in man," motive,

probable action, influence of surroundings, the strength and weakness of man, varieties of character, and upon a knowledge of these he built up his argument. There is a variety of opinion whether Judge Caruthers shone more brilliantly at the bar or on the bench; the opinion is unanimous, however, that he was an able, upright, laborious and conscientious expounder of the laws in his official capacity. He brought to the bench the same broad common sense, the same effective learning, the same comprehensive mind that had characterized him throughout his previous life; and all through his opinions there is apparent a careful judicial search for truth, and a firm determination to uphold the right in morals and in law. The last years of his life were spent as the leading professor of the law department of Cumberland University, of which he was one of the principal founders.

Archibald W. O. Totten, the successor of Judge Turley, was born in Middle Tennessee, but at an early age removed with his father to the western division of the State. He studied law, and was admitted to practice in Gibson County. His temperate and regular habits, his laborious investigations of the cases intrusted to his care, and his fidelity to all his professional engagements, secured to him a full and lucrative practice, and he rose rapidly to independence and distinction. His person was tall, manly and striking; his manners bland and courteous in a high degree, and his general deportment dignified, without stiffness or reserve. In the most exciting debates at the bar, he never descended to wrangling or lost the serenity of his temper, or the tranquillity of his manner. He retired from the supreme bench in August, 1855, and was succeeded by William R. Harris, of Memphis. Judge Harris was born in North Carolina, but was reared chiefly in Bedford County, Tenn. His educational advantages were somewhat meager, but, notwithstanding this hindrance, his strong, native talents enabled him to reach high rank in his profession. He began the practice of law in Paris, Henry County, where, in a few years, he evinced so much ability that he was made judge of the circuit court, a position which he held until 1845. Six years later he removed to Memphis, where he presided over the common law and chancery court until his elevation to the supreme bench. As an advocate he was earnest and forcible, and neither in his oral or written productions was he ever known to affect mere ornaments of speech. In his judicial capacity he was cautious, laborious and circumspect in arriving at his conclusions, and inflexible in maintaining them. Judge Harris was killed in a steam-boat explosion on the Mississippi River in 1858. The vacancy occasioned by his death was filled by the appointment of Archibald Wright, also of Memphis.



FROM PHOTO BY THURS. HOFFMAN & SONS, NASHVILLE

JAMES K. POLK

but a native of Maury County. He obtained a fairly good education before entering upon his career as a lawyer, which he did in 1832. He possessed great capacity for labor, and by sheer strength and directness, attention to business and tenacity of purpose, he won his way to distinction. During his brief career upon the supreme bench he manifested his eminent fitness for that high position. His opinions are models of judicial style—clear, forcible, direct, tersely stating the points and deciding the matter before him, briefly reaching his conclusions without verbiage or over-argumentation. In both his physical and mental qualities he was a man of striking individuality. He possessed a magnificent physique, and a constitution equal to any strain upon its powers of endurance. The salient traits of his character were his originality, strength and clearness of intellect, tenacity of purpose and indomitable energy.

These were all the men who occupied a position upon the supreme bench previous to the civil war. W. F. Cooper was appointed to succeed Robert L. Caruthers in 1861, but the suspension of the court prevented his taking his seat. It now remains to notice some of the distinguished members of the bar during the period from 1834 to 1861.

One of the most talented men whom Tennessee has given to the world was John Bell, whose career as a politician and statesman, however, over-towers his reputation as an advocate. As a sketch of his life appears elsewhere, only brief mention of him is made in this connection. He began his career as a lawyer in Williamson County, but soon after removed to Nashville and formed a partnership with Judge Crabb. Although he entered Congress when he was little more than thirty years of age, he had acquired a high standing at the bar as a lawyer of great acuteness, research and ability, and as a speaker of no ordinary merit.

James K. Polk was a contemporary of Bell, both having been born in the same year. The former, not quite so precocious as his rival, did not begin the practice of law until about twenty-five years of age, but when he did begin he was thoroughly equipped for his forensic struggles. He opened an office at Columbia, where almost from the first he occupied a front rank in the profession. His naturally strong intellect, disciplined by years of study to close and accurate reasoning, together with his known moral integrity, made him a most powerful adversary before the bar. His early entrance into the field of politics, however, practically closed his legal career.

Ephraim H. Foster, a prominent contemporary of the above, was a native of Kentucky, but when a small child came with his father's family

to Tennessee. He received as good an education as the times afforded, graduating with the first class matriculated in Cumberland College in 1813. He then studied law with John Trimble. Very soon after beginning its practice, his close application to business, together with his natural ability and prepossessing appearance, placed him in the front rank of his profession. His practice becoming too large for one person, he formed a partnership with William L. Brown, with whom he remained until the latter's elevation to the bench of the supreme court. From that time until his retirement from practice he was associated with Francis B. Fogg. Col. Foster was a fine speaker, but he had by nature a quick and violent temper which he did not always control. It is said that on one occasion, while arguing a case in which he was greatly interested, he became angry at some remark made by the judge, and threw a book at him. The judge, unmindful of his position, sprang at Col. Foster, with a heavy walking stick in his hand, and but for the interference of friends a serious difficulty would have been the result. "Peace, however, was restored without bloodshed. The offender made the proper apology, paid a heavy fine for his rashness, and the honorable but belligerent court adjourned." Col. Foster lived in elegant style, and entertained in a princely manner. This, with his vivacity, wit and brilliant conversation, made him a universal favorite in society. During the last twenty years of his life, he gave the greater part of his attention to political matters, into which he entered with great spirit. He was twice elected to the United States senate, the first time in 1837, to fill out the unexpired term of Felix Grundy. He was again chosen in 1843, but resigned two years later. In 1845 he was the Whig candidate for governor, but was defeated by A. V. Brown, by a small majority. He then withdrew from active life, and died in 1854.

Francis B. Fogg, for many years a partner of the above, was a native of Connecticut, where he received a thorough literary education, and also prepared himself for his chosen profession. He then, in 1818, came to Tennessee and located at Columbia, but in less than a year removed to Nashville, where he spent the remainder of a long life. "Upon his settlement in Tennessee he commenced the practice of law which he pursued with unremitting diligence for half a century, until age and disease disqualified him for labor. It is no disparagement to his many distinguished contemporaries in the profession during that long and eventful period to say that he had few rivals and no superiors. His success was eminent. He commanded the confidence of the community in a remarkable degree. To a mind naturally strong and vigorous he united rare industry, and with original scholarship of a high order he was able to

amass stores of learning on all subjects. He possessed a wonderful memory, by which he could recall cases and incidents that most others had forgotten. He was familiar not only with the history of the law, but with the history of this and other countries. Mr. Fogg was not ambitious for office and never sought promotion, but in 1834 he was, by the voluntary action of the community, elected a member of the Constitutional Convention and took a prominent part in its deliberations. In 1851-52 he was elected to the State Senate from Davidson County and aided efficiently in inaugurating the system of internal improvements which has done so much for the State." "It is impossible now to tell how many of the statutes that adorn our code and measure and regulate the rights of persons and property, he was the author of. It was the habit of Legislatures to call upon him on all occasions for aid in the preparation of bills."*

No member of the Nashville bar is remembered with a feeling of greater kindness and respect than Josephus C. Guild. Of his early professional life he has given many interesting incidents in his "Old Times in Tennessee," which are told in his inimitable style. He was a man of strong and vigorous intellect, and at the bar, especially before a jury, he had but few equals. He was not a student of books nor a finished scholar, but was a close observer of human nature and possessed a fund of practical knowledge which was always ready for use. As a judge he was distinguished for his strong sense of justice and his deep love of natural equity, which made suitors feel that their causes would be impartially tried. There was also a natural cheerfulness and liveliness of his disposition which would crop out even in the midst of the decorum of the bench, and a lively sally of wit or a gleam of humor from him often brightened the otherwise dull tedium of legal procedure. Judge Guild began the practice of law in 1822, in Sumner County, where he remained until the close of the civil war. He was three times elected to the House of Representatives, and twice to the State Senate, was a presidential elector for James K. Polk in 1844 and for Franklin Pierce in 1852; was elected chancellor for the Seventh Chancery Division in 1860, and in 1870 was made judge of the law court of Nashville, which position he held until the abolition of the court in 1878. He died January 8, 1883, after sixty years of active professional life.

Bailie Peyton, a contemporary and intimate personal friend of Judge Guild, was associated with him in his early practice. He was born in Sumner County in 1803. At the age of twenty-one he was admitted to the bar, and soon after formed a partnership with Henry A. Wise, a

*The above extracts are taken from the resolutions passed by the bar at his death in April, 1889.

young man, also just entering upon the practice of law. Being of similar disposition they at once became intimate friends, but neither possessed much taste for the arduous duties of the profession, and soon drifted into the more congenial sphere of politics. The partnership continued for two years, when the latter returned to his native State. His subsequent career is familiar to all students of history. Peyton did not rank very high as a lawyer, but as a political speaker he had few superiors, possessing in a high degree that peculiar quality known as personal magnetism. He was elected to Congress on the Whig ticket when barely thirty years of age, and was twice returned, serving from 1833 to 1839. He was appointed United States District Attorney at New Orleans by President Taylor, and soon after was sent as minister to Chili. He afterward practiced law for a time in California, but later returned to his old home at Gallatin, where he died in 1878.

For several years one of the leading law firms in Nashville was composed of Edwin H. and Andrew Ewing, sons of Nathan Ewing and grandsons of Andrew Ewing, the first clerk of the Davidson County Court. Edwin H. Ewing graduated at the Nashville University in 1827, and was admitted to the bar in 1831. He then formed a partnership with James Grundy, which continued until 1837, when he associated himself with his younger brother. For a number of years he took an active interest in politics, serving one term in the State Legislature and one term in Congress. Meanwhile he kept up the practice of law, and added to his already high reputation. He sat frequently upon the bench of the supreme court as special judge, and delivered opinions in several important cases. In 1851 the partnership with his brother was dissolved, and he did but little practice thereafter until the close of the war, at which time he resumed his professional labors and has only recently entirely withdrawn from active life.

Andrew Ewing also received a collegiate education and, in point of ability, was not inferior to his brother. He was an easy, graceful and persuasive speaker, a thorough and diligent student, and an energetic and active advocate. While in partnership he performed the law practice, leaving the chancery business to his associate. He made a careful study of each case, but he was too thoroughly imbued with a knowledge of the elements and principles of law to be classed as a mere case lawyer. While giving diligent attention to professional business he also mingled considerably in the politics of the day as a speaker and counselor. While his brother was a Whig he was a moderate Democrat, and in 1849 was elected to Congress in the face of a strong opposition. He was appointed one of a permanent court-martial of lawyers by the Confederate Govern-

ment in 1862, and two years later died from exposure and overwork at Atlanta, Ga.

One of the best educated and most brilliant men ever at the bar in Tennessee was Return J. Meigs, who practiced law for many years in Athens, McMinn County, and afterward removed to Nashville. He was the author of a voluminous digest of the judicial decisions of the State, and was one of the compilers of a "Code of Tennessee." He was not only learned in the law, but in ancient and modern languages, and was a comparative philologist of no ordinary attainments. Indeed, there seemed to be no branch of human knowledge with which he was not in some degree familiar. At the beginning of the war, being a strong Union man, he was compelled to leave Nashville, and he afterward made his home in Washington, where, for a number of years, he held a responsible position under the Government.

William T. Haskell, at one time a prominent member of the bar of Tennessee, was almost diametrically opposite in character to Meigs. He was a brilliant and effective speaker, possessing a mind of much quickness and energy, and an imagination of exceeding fertility. He had great powers of ridicule, and, when opportunity afforded, could use invective with crushing effect. He was not, however, a thorough and diligent student, and was somewhat too fond of social pleasure to attain to that high rank to which, with proper application, his talents would have raised him.

Spencer Jarnagin, a student at law under Hugh L. White, was born and reared in East Tennessee, where he attained to considerable distinction in his profession. He was a plain unimaginative man with a clear head and sound judgment. His language was simple, well chosen and straightforward, and he rarely indulged in impassioned flights of oratory, yet he never failed to elicit the closest attention from his hearers. His success as a jury lawyer has rarely been excelled, and litigants always felt confident of success when they had secured him to advocate their cause.

One of the leading lawyers in the western division of the State for many years was Milton Brown, a native of Ohio, who located in Tennessee in early manhood. During his long practice in the various courts of the State he maintained a high reputation for industry, probity and legal acumen, and succeeded in accumulating an ample fortune. His knowledge of the law was full and accurate, his reasoning powers much above mediocrity, and his astuteness and skill in the management of cases were universally acknowledged.

John A. Nooe was at one time prominently identified with the Memphis bar. He was a man of high character, mild, affable, benignant and

of unimpeachable integrity. He was thoroughly well read in the law, and could effectively apply the learning which he had acquired. Although he always expressed himself with fluency and in elegant language, his diffidence in public was a serious drawback upon his complete success as a forensic advocate.

Neill Smith Brown, the thirteenth governor of Tennessee, was a native of Giles County and a descendant of Scotch Presbyterians. His parents were poor, and unable to give him more than the rudiments of an education. At the age of seventeen he was thrown upon his own resources, and took to teaching school to enable him to secure a more thorough education. After completing a college course he studied law, and began the practice at Matagorda, Tex., then a part of Mexico. Not finding the society congenial, he soon after returned to his native State, where he took an active part in politics until the beginning of the war, serving as a member of the General Assembly, governor, minister to Russia, and as presidential elector on the Whig ticket in 1856. His career as a lawyer began in 1835, and except for his frequent diversion in the field of politics, he practiced his profession for a period of fifty years. It could not perhaps be said that his legal acquirements were the most comprehensive, or that in grasp of thought and aggressive force of character he was not excelled, but his native talents were of a high order, and had been well cultivated for the part he essayed in life, and they won for him just and deserved distinction.

John Trimble, a son of James Trimble, who has been previously mentioned, attained a high degree of eminence in the profession. At the age of twenty-four he was elected attorney-general for the Nashville District, a position which he held for six years. In 1843 he was elected a member of the lower house of the General Assembly, and two years later to the Senate. He refused a renomination, and for the next few years devoted himself to his professional labors, acquiring a large practice. In 1859 he again entered politics, being elected to the State Senate. He was a staunch Union man, and during the extra session of 1861 did all in his power to defeat the passage of the ordinances of secession. In 1862 he was commissioned United States district attorney, which office he held for two years. In 1865 he was again elected to the State Senate, and two years afterward was chosen to represent his district in the XL Congress. He had a taste for literary pursuits, which at times became almost a passion, and for several years of his life he devoted himself almost entirely to study. Had he been ambitious to rise either in his profession or in the political world, he could have attained to the highest position in either.

Judge Thomas L. Williams, for a long time chancellor of East Tennessee, was one of the most highly respected members of the profession who ever practiced in the courts of the State. He was a man of strong constitution and of great energy and force. He scorned all effeminate self-indulgence, and his powers of endurance seemed almost unlimited. He held thirty-eight courts in nineteen different counties in a year, and in going from one point to another had to travel over rough mountain roads, at times almost impassable. His judicial career presents an example of industry and adherence to official duty rarely excelled. Although he possessed highly respectable attainments in his profession, he was not a learned lawyer nor an accomplished scholar; but he possessed in an eminent degree that highest and most valuable of all intellectual gifts, strong, vigorous, practical, common sense. He retired from the chancellorship in 1854, and died at Nashville, December 2, 1856.

Thomas C. Lyon, of the Knoxville bar, was a native of Roane County, born in 1810. He enjoyed the reputation of an able and successful lawyer, and a thorough and profound jurist. He was a man of fine sensibilities and a high sense of honor. He sat frequently upon the supreme bench as a special judge, and his opinions are generally regarded as not inferior to those of the most learned jurists. He was a fine linguist and an accomplished scholar, with considerable taste for poetical composition. When he was quite young his father removed to Knoxville, where he received his education, graduating from East Tennessee College. During the Mexican war he served on the staff of Gen. Wool, with the rank of major. He died in Richmond, Va., October 1, 1864.

William H. Sneed, another prominent member of the Knoxville bar, was born in Davidson County in 1812, and soon after attaining his majority began the practice of law at Murfreesboro. He early attained a high standing, which he fully maintained to the end of his life. In 1843 he was chosen to the State Senate, and soon after the expiration of his term of office married the only daughter of Alexander Williams, of Greeneville, where he then located, and in partnership with Robert J. McKinney practiced his profession for about a year. In 1845 he removed to Knoxville, where he at once took a prominent position, and in 1855 was elected to represent his district in Congress. He died at his home in 1869.

Horace Maynard, for many years a leading lawyer and politician of East Tennessee, was born in Massachusetts in 1814. He received his early education in Charleston, S. C., but graduated from Amherst College in 1838. He soon after removed to East Tennessee, locating at Knoxville, where he was employed as a professor in the University of

East Tennessee until 1844. He then entered upon the practice of law and soon was recognized as one of the leading attorneys in that division of the State. In 1857 he took his seat as a member of the XXXV Congress, and continued as a member of that body until the expiration of the XLIII Congress, with the exception of from 1863 to 1865, when he was attorney-general of Tennessee. Having with Andrew Johnson espoused the principles of the Republican party, he remained faithful to them. He served during the greater portion of President Hayes' administration as minister to Turkey, and also for a short time as Postmaster-General. He was a man of distinguished ability, was a forceful and clear speaker and always entertaining. He died May 3, 1882.

At the close of the civil war, the supreme court was reorganized with Samuel Milligan, J. O. Shackelford and Alvin Hawkins, as judges appointed by the governor. Frequent changes occasioned by resignation occurred, until the adoption of the new constitution in 1870.

Samuel Milligan was born in Greene County, Tenn., "of poor but respectable parents." His father was unable to give him a better education than could be obtained at an old field school; but being possessed of a well balanced and indomitable energy he determined to take a college course. In this he was successful and graduated from Tusculum College. He studied law with Robert J. McKinney, but before beginning practice he was elected to the General Assembly, serving two terms. He was admitted to the bar in 1846, but soon after joined the army and served as a major in the Mexican war. After his return home he practiced his profession until the civil war. In 1868 he resigned his seat upon the supreme bench, and was made one of the judges of the court of claims at Washington, a position he held until his death in 1874. He was an able advocate, and an impartial and incorruptible judge.

Alvin Hawkins entered the profession of the law as a student under Judge Totten at the age of nineteen. About two years later he located at Camden, Benton County, where he remained only a short time, when he returned to Huntington. In 1854 he was chosen to represent his county in the General Assembly, and in 1862 was elected to Congress but did not take his seat. He remained loyal to the Union, however, and in 1864 was appointed United States District Attorney for West Tennessee, by President Lincoln, a position which he resigned the following year to accept a seat upon the Supreme Bench. As an advocate he has few superiors, and is especially strong before a jury. He is an effective speaker at all times, and possesses oratorical powers of a high order. His native talents are of a high order and have been well cultivated, and they have won for him just and deserved distinction.

James O. Shackleford was a native of Kentucky, but at an early age removed with his parents to Missouri. During his early manhood he was engaged in trapping in New Mexico and other parts of the Southwest. After his return he studied law and began practice at Dover, Stewart County. Later he removed to Clarksville, and formed a partnership with James Rivers, with whom he practiced for a time. He afterward was associated with Gustav A. Henry, continuing until the beginning of the civil war. During that struggle he espoused the Union cause, yet he always sympathized with the misfortunes of his neighbors on the other side, and through his influence prevented much suffering. In 1865, with Hawkins and Milligan, he was placed upon the supreme bench by appointment of Gov. Brownlow. He resigned in 1867, but was reappointed the following year. In 1869 he resumed the practice of his profession in Nashville; there he continued until about 1875, when he moved to Colorado. Judge Shackleford was a man of good ability and considerable learning. He was not an eloquent speaker, but possessed reasoning powers of a high order.

Andrew McLain, one of the supreme judges elected in 1869, was born in Smith County and began his career as a lawyer at Carthage. He soon became one of the leading attorneys in that county and was made judge of the circuit court. After his retirement from the supreme bench in 1870 he practiced law in Nashville until February, 1882, when he received the appointment to the office of United States District Attorney. Upon the change in the administration of the Federal Government in 1885 he was retired, and now resides in San Diego, Cal. He is well read in his profession, but is not a successful advocate, being somewhat lacking in tact and skill. He is a man, however, of unquestioned integrity, and of the strictest moral rectitude.

George Andrews was born in Putney, Vt., in 1826. His boyhood was spent in his native State, in western New York and in Michigan. He studied law in Detroit, where he was admitted to the bar in 1857, and continued to practice his profession until 1865, when he came to Tennessee. In December, 1868, he was appointed by Gov. Brownlow a judge of the supreme court, to fill the vacancy caused by the resignation of Judge Milligan. He was elected to the same position at the judicial election in May, 1869, and continued upon the bench until the adoption of the new constitution in 1870. In December, 1871, he was appointed United States District Attorney for the eastern district of Tennessee, which position he continued to hold until his resignation in February, 1879. Since that time he has practiced his profession in Knoxville; since January 1, 1881, in partnership with J. M. Thornburgh.

Henry Gratton Smith, the successor of Judge Hawkins upon the supreme bench, was for a long time a distinguished member of the bar of Tennessee. His entire career was marked by a love of truth and uprightness, a scrupulous fairness toward adversary counsel and parties, and a laborious, painstaking attention to ascertain the true principle of law. It could not be claimed for him, perhaps, that he had no superiors in the profession, yet his learning and ability were decidedly above mediocrity. During the civil war he remained loyal to the National Government, yet he conducted himself with such rare discretion and dignity as to win the esteem of even his enemies. His opinions and judgments as they are found in the official reports attest to his ability and his devotion to the duties of his high office.

Horace H. Harrison was born in Lebanon, Wilson County, August 7, 1829. In 1841 the family removed to McMinnville, having meanwhile resided in Sumner and Robertson Counties. The father died in 1845, leaving young Harrison, at the age of fifteen, the sole support of his mother. Up to that time he had received a liberal education, but this event prevented him from completing his college course. He entered the office of the county clerk, and during the next seven years served in that office, the office of the clerk and master of the chancery court, and that of the register of deeds. In 1853 he was elected a director of the McMinnville & Manchester Railroad, and two years later began the practice of law in the Mountain Circuit, where he enjoyed a large practice from the first. In 1859 he removed to Nashville. In 1862 he was appointed clerk of the Federal courts for Middle Tennessee. August 15, 1863, he was commissioned United States District Attorney, a position he held until 1866. He was then appointed chancellor by Brownlow, and the following year was elected to the supreme bench. In 1872 he was again appointed United States District Attorney, and afterward was elected to Congress from the Nashville District. At the end of his time he resumed the practice of law, continuing until his death, which occurred December 20, 1885. Judge Harrison was able and scholarly, and even his political opponents always conceded his purity and honesty. As a speaker and writer he was noted for clearness of statement and earnestness of manner.

Robert McFarland was for many years an able member of the East Tennessee bar, ranking with Reese and McKinney. He was a born lawyer and a judge by nature. He had a logical mind, patient of investigation and trained by reflection rather than much reading. He was singularly free from prejudices, and if as a judge he was not famed for erudition, he fully compensated for its absence by an accurate discrimin-

ation, sound judgment and rare practical wisdom. His opinions are not distinguished for beauty of style or wealth of illustration, but they are always clear and convincing. In correctness of decision, the highest test of a supreme judge, he had no superior. He was not as learned a lawyer as Reese, nor as exact and precise as McKinney, but in clearness of perception, soundness of judgment and correctness of decision he rivalled either*. He served upon the supreme bench for a period of eleven years, retiring on account of failing health in December, 1882. He died in 1884.

Thomas A. R. Nelson, one of the supreme judges elected in 1870, was a native of Roane County, Tenn. He graduated from East Tennessee College in 1828, and was admitted to the bar before he attained his majority. He was one of the most brilliant and versatile of men and soon won his way to distinction. He figured quite prominently in politics, and while in Congress delivered a speech which was published in full by the *London Times*, and which that paper pronounced to be "one of the finest forensic efforts of modern American lawgivers." His reasoning powers were of a very high order, his imagination uncommonly fertile, and his power of satire unexcelled. During all the years of his long life, while not engaged in politics, he was vigorously prosecuting his professional labors, and in everything he undertook he was earnest, laborious and indefatigable. During his short term of service as a supreme judge he delivered a number of opinions which give evidence of his eminent ability as a jurist.

John Louis Taylor Sneed, one of the six supreme judges elected under the revised constitution in 1870, is a native of North Carolina. His mother died when he was quite a child and he was taken in charge and educated by his uncle, then living in Granville County, N. C., but who soon after removed to West Tennessee. There young Sneed, after receiving an academic education, began the study of law with V. D. Barry. In 1843 he settled in Memphis for the practice of his profession, and two years later he was elected to the General Assembly. In 1846 and 1847 he was a captain of volunteers in the Mexican war, and served with distinction until its close. In 1851 he was elected attorney-general of the Memphis Judicial District, but resigned three years later to become a candidate for the office of attorney-general of Tennessee. He was elected and held the office for five years, during which time he published the five volumes of reports known as Sneed's Reports. After his retirement from that office he became a candidate for Congress on the Whig ticket, but was defeated, the district being overwhelmingly Democratic. He then re-

*Tribute to his memory from the Supreme Court Bar of East Tennessee.

turned to the practice of law and was so engaged when the civil war began. A Union man at first, like many others, he was made a rebel "by the tramp of an invading army," and although he never held office in the Confederate Army, yet he was thoroughly identified with its interests, and devoted to its cause. On his retirement from the supreme bench in 1878 a feeling of general regret was expressed. He afterward served as judge of the court of arbitration and also of the court of referees. As a judge he was patient, courteous, discriminately just and capable. In careful consideration, scholarly composition, lucidity of argument and thorough interpretation of the law, his opinions compare favorably with any of his predecessors. He is an especially brilliant speaker, and a forcible and ready orator. Personally he is very popular, being a man of commanding presence, easy and graceful in his manners, and possessing rare conversational powers.

Alfred Osborne Pope Nicholson, the first chief justice under the constitution of 1870, was born in Williamson County, Tenn, in 1808. He received a collegiate education, graduating from the University of North Carolina in 1827. He then began the study of medicine, but soon abandoned it for the law, and was licensed to practice in 1831. The following year he became the editor of the *Western Mercury*, at Columbia. From that time until the war he was too thoroughly engrossed in politics to achieve very great success at the bar, although he combined in a remarkable degree the application and acumen of the jurist and the sagacity of the politician. He was, however, too retiring in his disposition and by nature too prudent and timid to be a great leader; yet he was frequently elected to office, serving three terms in the lower house of the General Assembly and one term in the State Senate. In 1840 he was appointed to fill out the unexpired term of Felix Grundy in the United States Senate, and was elected to represent the State in that body for the term beginning in December, 1859. Upon the secession of the Southern States he resigned his seat, and was not again in office until elected to the bench of the supreme court. Although he was perhaps not the peer of Haywood and some others of the profession in the depth and grasp of his intellect, yet he possessed the power of concentration to a high degree, and had the faculty of elucidating a subject and bringing forth great results from his cool and deliberate judgment. Whether at the bar, on the bench, or in political life, he always gave his views in such plain words that the humblest hearer could understand them.

William Frierson Cooper, at one time a partner of Judge Nicholson, as a chancery lawyer, jurist and thorough literary scholar, has no superior in the State. During his practice of the law he devoted himself al-

most exclusively to the chancery department, which, with his experience of nearly seven years as chancellor, has made him the leading authority in the State in that branch of jurisprudence. His decisions while upon the bench of the chancery court have been published in three volumes, and are exceedingly valuable. His knowledge of law in other departments is also thorough and extensive. With Return J. Meigs he prepared the present "Code of Tennessee," and afterward edited forty volumes of the "Tennessee Reports" upon their republication. He has also re-edited an edition of "Daniels' Chancery Practice," bringing down the references and annotations to the present time. January 1, 1879, he took his seat upon the bench of the supreme court, and has since discharged the duties of the office with that fidelity and ability which has characterized him in all his official and professional relations.

Peter Turney received his knowledge of the law under the direction of his father, the late Hopkins L. Turney, and was admitted to the bar in 1848, at the age of twenty-one years. For the first two or three years he obtained few cases, but after that time he did a good practice until the beginning of the civil war. He then entered the Confederate Army as colonel of the First Confederate Tennessee Regiment, in which position and elsewhere he made a gallant record during four years' service. At the close of hostilities he resumed the practice of his profession, which he continued with success until 1870, when he took his seat upon the supreme bench. He is a man of great native ability and strong individuality, is firm and positive in his opinions, and as a judge is not at all subject to the influence or domination of any other member of the court. He is perhaps not as widely read in his profession, nor in general literature, as some of his colleagues, yet his opinions are as generally accurate as those of any other judge.

James W. Deaderick, the present chief justice of the Supreme Court of Tennessee, was born in Jonesborough, Washington County, in 1812. He received a thorough education, having attended East Tennessee College and Central College at Danville, Ky. He married before completing his course at the latter school, and soon after, in 1833, began merchandising in what is now Hamblen County. Not being very successful in that business, about 1842 he took up the study of law, and in due time was admitted to the bar of his native town. He there opened an office and continued to practice with reasonable success until the close of the civil war. In 1866 he removed to Bristol, and the following year to Knoxville, where he remained until his election to the supreme bench in 1870. Judge Deaderick, while not a learned jurist, is a man of fine practical sense, of sterling probity and of persistent energy. He is mod-

est, even to diffidence, and his unobtrusive, kindly demeanor, united with his uniform fairness, has won for him a host of friends among the members of the bar.

Thomas J. Freeman is a native of West Tennessee, having been born in Gibson County, in 1827. His early education was limited to the country schools and the county academy, yet at the age of seventeen he had completed a course of medical reading. Not finding that profession to his liking, he turned his attention to the law, and at the age of twenty-one was admitted to the bar. He at once opened an office in Trenton, where he practiced until 1861, when he removed to Haywood County. After the close of the war he removed to Brownsville, where he continued to practice his profession until his elevation to the Supreme Bench in 1870. Judge Freeman has always been a close student not only in his profession but of general literature, and is considered one of the most broadly cultured men in the State. He possesses what may be denominated a metaphysical mind—reasons logically and, in general, accurately. His written opinions are usually quite long, but are clearly stated. As a lawyer he was eminently successful in practice. He was critically careful in the preparation of his cases and was a skillful and eloquent advocate and a thorough master of technical pleading.

John B. Cooke, the successor of Judge McFarland upon the supreme bench, was appointed in 1853 to fill out the unexpired term of the latter. He is a resident of Chattanooga, and is a lawyer and jurist of excellent judgment and high ability.

Morgan W. Brown, the successor of John McNairy as judge of the Federal court for the District of Tennessee, was a brother of William L. Brown, one of the judges of the supreme court. He was a man of considerable reading and correct literary taste, a fine miscellaneous writer, and was for some time editor of a Nashville paper. He was appointed to a seat upon the bench of the Federal court in 1834, and continued to hold that position until his death in 1853.

West H. Humphreys, the successor of Judge Brown, was born in Montgomery County, in 1805. Soon after preparing himself for the law, he located in Somerville, Fayette County, where he began his professional career, and in a very short time rose to distinction. So great was his popularity that he was sent as a delegate to the Constitutional Convention of 1834, and the following year was elected to the General Assembly, in which body he occupied a prominent position. In 1839 he was elected attorney-general and reporter of the supreme court, and re-elected in 1844. From the date of his appointment to be judge of the Federal court, he held the position until the opening of the war, when he

received a commission to the same office from the Confederate Government. After the war he returned to his practice and continued until within a few years of his death which occurred in October, 1882. He was a man of large acquirements not only in his profession, but in general knowledge. He was industrious and painstaking in the preparation of his cases, and earnest and vehement in his advocacy. As a judge he was just, and exceedingly courteous to the bar and to all with whom he came in contact.

Connolly F. Trigg was appointed United States District Judge for the District of Tennessee by President Lincoln, in July, 1862. He was a native of Virginia, where he received his education and where he practiced law until near middle life. He then came to Tennessee and here spent several years of useful and successful toil in his profession, before and up to the war. During that trying period, although a Southerner in his sentiments and dearest relations, he clung to the Union with unswerving devotion, and at the close of hostilities he was the sole Federal judge in Tennessee to administer and enforce the penal laws of the United States. It was a time to test the courage and integrity of a judge to the utmost. The excitement and animosities of the war had not yet begun to subside, and the courts were filled with proscription, confiscation and test-oath cases. It now lay in his power to revenge himself upon his former enemies, but "Judge Trigg, with the same undaunted courage that he displayed in turning his back on secession, now calmly and serenely opposed and drove from the temple of justice the spirit of hate and revenge. Indictments for treason, libels for confiscation and test-oaths all disappeared at his rebuke, and the people resumed their wonted callings with a cheerful confidence in the ample protection of the laws of the United States." It has been truly said that the State owes to Judge Trigg a debt of gratitude greater than to any other man who has exercised judicial functions within her boundaries. He was not a great man, nor was he an accomplished jurist, but he had an abiding faith in the rudimental truths of jurisprudence, and his decisions always bear the test of right and justice.

John Baxter, a judge of the Federal Circuit Court, was a native of North Carolina, where he was reared upon the farm, and enjoyed only the educational advantages of the country schools of that sparsely settled State. At the age of twenty he began the study of law, and in due time was admitted to practice. He located in western North Carolina, where he immediately rose to prominence, and was several times elected to the General Assembly. In 1856 he removed to Knoxville, where he ever after made his home. He was appointed judge of the United States Cir-

cuit Court in 1877, and continued upon the bench until his death in 1886. "Gifted by nature with an intellect of extraordinary vigor and comprehension, of untiring energy and diligence, he rose from the humblest and most adverse condition to commanding power and influence as an advocate. When he came upon the Federal bench the massive proportions of his mind, the force and sweep of his faculties developed and strengthened like the trunk of a giant oak, though the struggle of many years and the buffeting of many a storm enabled him to grapple with just confidence with the many new and difficult questions which confronted him. Lawyers soon found throughout the circuit that they had before them one who was the equal, if not the superior in many respects, of the greatest of them, and one who was determined to dispose of the cases in court with as much dispatch as possible. He elevated the tone of the bar; he put new life and energy in those who practiced before him; he infused into them something of his own spirit, and the courts in his circuit became moving and active in the performance of the functions belonging to them as organs of the Government. Business was disposed of, the rights of litigants settled promptly and with able discrimination."*

Howell E. Jackson, the successor of Judge Baxter, is a native of Paris, Tenn., born in 1832. He received his early education in the country, after which he attended the West Tennessee College and the University of Virginia. He then read law for two years with Judges Totten and Brown, of Jackson, and finally graduated from the Lebanon Law School in 1855. From that time until 1859 he practiced the profession at Jackson, after which removed to Memphis, where he remained until 1876. He then returned to Jackson. He took his seat in the United States Senate in 1881, where he remained until receiving his present appointment. He is a man of unquestioned character and ability as a lawyer, ranking with the best in the State. He has a thoroughly judicial mind, and although he has been upon the Federal bench but a short time, he has heard two or three important cases, in all of which he has displayed conspicuous ability.

David McKendree Key, judge of the Federal Court for the Districts of East and Middle Tennessee, was born in Greene County in 1824. He obtained his early education while laboring upon the farm, and afterward made his way through college. He came to the bar in 1853 at Chattanooga, where he has since resided. In 1870 he was elected chancellor of his district, which position he continued to hold until appointed to fill the vacancy caused by the death of Andrew Johnson. Upon the formation of a cabinet by President Hayes, in 1876, he was made Postmaster-General.

*Memorial resolution adopted by the Nashville bar.

which position he resigned in 1880, and succeeded Connolly F. Trigg as judge of the Federal District Court. As a lawyer he was distinguished for clear insight and remarkable comprehension of the facts of the case. Upon the bench he is characterized by an unerring instinct in grasping the equities of the cause before him, and in presenting a sound decision. Although not especially active and energetic, he disposes of cases rapidly, and the docket is never allowed to become crowded.

CHAPTER XIII.

EDUCATIONAL HISTORY—THE UNIVERSITY OF NORTH CAROLINA—THE ESTABLISHMENT OF ACADEMIES—PIONEER TEACHERS—EARLY COLLEGES AND UNIVERSITIES—EDUCATIONAL ENDOWMENTS—THE FOUNDATION OF THE COUNTY SYSTEM OF ACADEMIES—PRIVATE OR TUITION SCHOOLS—COMPARISON OF INSTRUCTIVE SYSTEMS—CONGRESSIONAL SCHOOL LANDS—THE PAUPER SCHOOLS—RENAISSANCE OF LEARNING—THE FOUNDING OF THE COMMON SCHOOLS—CREATION OF THE PUBLIC EDUCATIONAL FUNDS—THEIR PERMANENT INVESTMENT—DEFALCATION—THE INFANCY OF THE COMMON SCHOOLS—THEIR IMPROVEMENT—SPECIFIC TAXATION FOR EDUCATIONAL SUPPORT—THE PUBLIC GRADED SCHOOLS—THE CONFLICT OF THE PUBLIC AND THE PRIVATE SYSTEMS—THE LAW OF 1867 AND ITS PRACTICAL WORKING—THE PEABODY DONATION—EDUCATION OF THE COLORED RACE—THE LAW OF 1870—THE STATE TEACHERS' ASSOCIATION—THE PRESENT COMMON SCHOOL SYSTEM AND FUNDS—SCHOLASTIC TAXATION—THE SUPERINTENDENTS OF PUBLIC INSTRUCTION—STATE ACADEMIES, COLLEGES, UNIVERSITIES AND NORMAL SCHOOLS—STATISTICS, ETC.

TENNESSEE was the pioneer in the dissemination and promotion of learning in the Southwest. Considering that up to 1790 she formed a part of North Carolina, in educational matters the most backward of the States, this is a remarkable fact. From the earliest settlement of that colony down to the Revolutionary war we find many acts for the establishment of an orthodox ministry and vestries; provisions for court houses, jails, stocks, prisons and pillories, and very few for the encouragement of institutions of learning, not above ten in all. About the beginning of the eighteenth century when there was not a church nor more than one, if there was one, schoolhouse in the province, the efforts of Blair, aided by Bishop Compton, of London, with an offer of £20 to teachers and preachers of the province induced a few to enter the field where the harvest was ripe and the laborers few.* But at the end of the colonial government literature was hardly known. There were within the whole province but two schools—those of Newbern and Edenton.†

*Address of H. M. Doak. †Martin.

Outside of the Scotch Presbyterian the great mass of the community did not possess even the rudiments of an education. The wealthier members of society, however, especially among the Scotch, must have made considerable advances, since even before the Revolution they were sending their sons to complete their education at Princeton.

The constitution adopted at Halifax December 18, 1876, declared that a school or schools should be established, and "all useful learning shall be duly encouraged and promoted in one or more universities." The unsettled condition of the country, however, during the Revolutionary war, and for several years subsequent, prevented compliance, and it was not until 1789 that the act establishing the University of North Carolina was passed. It was still six years later before the university was opened to receive pupils. This college, with the possible exception of Princeton, has exerted a greater influence upon the culture and education of Tennessee than any other foreign institution of learning. It has educated many of her most illustrious sons, among whom were James K. Polk, Aaron V. Brown, A. O. P. Nicholson and many others of scarcely less distinction.

That the ignorance and lack of educational facilities which existed during the colonial days was not in accord with the wish of the people is manifest in the vigorous interest in educational matters which immediately sprang up after the overthrow of those proprietary and royal governments which for more than a century had rested like an incubus upon all the colonies. From the formation of the Federal Union to the close of the century numerous acts establishing academies and other schools were passed by the Legislature of North Carolina, and more was done for the encouragement of learning than had been accomplished in the last hundred years.

In the matter of colleges and academies Virginia was somewhat more fortunate, but with her the popular diffusion of knowledge by schools previous to the Revolution was almost unknown, although domestic instruction among those capable of affording it was almost universal. "Every man," said Sir William Berkely, in 1671, "instructs his children according to his ability," a method which left the children of the ignorant in helpless ignorance.* The only Virginian school which seems to have exerted much influence upon Tennessee was Augusta Academy, which after undergoing many changes in organization and name is now known as the Washington and Lee College. At that school two of the educational pioneers, Carrick and Doak, laid the foundation of their careers. The most potent of all the influences on the early education in both

* Bancroft.

North Carolina and Tennessee was the college of New Jersey at Princeton, from which graduated Doak, Balch, Craighead and many other eminent educators and divines.

The first school established in Tennessee, and, it is believed, the first west of the Alleghany Mountains, was Martin Academy, founded under an act "for the promotion of learning in the county of Washington," passed by the General Assembly of North Carolina in 1785. Rev. Samuel Doak, mentioned above as the graduate of Princeton College, or as it was then known Nassau Hall, was the founder and first president. He was a member of the Franklin Assembly, and, it is said, was the author of the clause concerning education in the rejected constitution.* He was a man of great ability and force of character and of great learning, especially in the classics. His schoolhouse, a plain log building erected on his farm, stood a little west of the site afterward selected for Washington Academy. For many years it was the only, and for still more the principal, seat of classical education for the western country.†

During the same year but at the next session of the General Assembly, through the influence of Gen. Robertson, "an act for the promotion of learning in Davidson County" was passed. Rev. Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bledsoe, Lardner Clarke, Ephraim McLean, Robert Hays and James Robertson were appointed trustees and constituted a body politic under the name of the "President and Trustees of Davidson Academy." Two hundred and forty acres of land adjoining the town of Nashville, on the Cumberland River, were granted by this act, which also encouraged private "bequests, gifts and purchases." It was further provided that all the "lands, tenements or hereditaments" vested in the trustees of the academy should be exempt from taxation for a period of ninety-nine years.

At the first meeting of the trustees, which was held in August, 1786, Rev. Thomas Craighead was elected president, and at the next meeting it was decided that the school should be taught at "Spring Hill Meeting House," in the town of Haysborough, six miles east of Nashville. It was also ordered "that five pounds hard money, or the value thereof in other money, be paid for each scholar per annum." The lands belonging to the institution for a number of years were rented out, and the proceeds

*The clause referred to is as follows:

SEC. 32. All kinds of useful learning shall be encouraged by the commonwealth, *that is to say*, the future Legislature shall erect before the year seventeen hundred and eighty-seven, one university, which shall be near the center of the State, and not in any city or town. And for endowing the same, there shall be appropriated such lands as may be judged necessary, one-fourth of all the moneys arising from the surveys of land hereafter to be made, one half-penny upon every pound of inspected tobacco, forever; and if the fund thence arising shall be found insufficient, the Legislature shall provide for such additions as may be necessary, and if experience shall make it appear to be useful to the interest of learning in this state, a grammar school shall be erected in each county, and such sums paid by the public as shall enable the trustees to employ a master or masters of approved morals and abilities.

†Ramsey.

used in their improvement and in support of the academy. A ferry was established, which in time yielded an income of from \$100 to \$650 per annum.

One of the acts passed by the Legislature of the new State in April, 1796, added ten new trustees to the old board, and also appointed three persons to audit the accounts of the old trustees, with directions to institute suit against the latter if they failed to comply with the law. The act provided further that the buildings of the academy should be erected "on the most convenient situation on the hill immediately above Nashville, and near the road leading to Buchanan's Mill." This act was not altogether satisfactory to the old board, and they refused to receive the new trustees and auditors; but the difficulty was settled after some delay, and they were finally admitted. Although some steps were taken toward the erection of a building as provided in the act, it was nearly ten years before it was completed. On October 25, 1803, an act was passed reorganizing the institution, and constituting it a college. Eighteen trustees, of whom Thomas Craighead was the first mentioned, were constituted "a body politic and corporate by the name of the Trustees of Davidson College." This act was repealed, however, on the 4th of the following March, and thus ended the existence of Davidson College.

At the session of the Territorial Assembly of 1794 two new colleges, Blount and Greeneville, were chartered. The bill incorporating the former institution was introduced on the 4th of September, by William Cocke, of Hawkins County, and on the 10th of the same month it became a law. The act begins as follows:

WHEREAS, The Legislature of this Territory are disposed to promote the happiness of the people at large, and especially of the rising generation, by instituting seminaries of education, where youth may be habituated to an amiable, moral and virtuous conduct, and accurately instructed in the various branches of useful science, and in the principles of ancient and modern languages; therefore

SECTION 1. *Be it enacted by the Governor, Legislative Council and House of Representatives of the Territory of the United States of America, south of the River Ohio, That the Rev. Samuel Carrick, president, and his Excellency, William Blount, the Hon. Daniel Smith, secretary of the Territory, the Hon. David Campbell, the Hon. Joseph Anderson, Gen. John Sevier, Col. James White, Col. Alexander Kelley, Col. William Cocke, Willie Blount, Joseph Hamilton, Archibald Roane, Francis A. Ramsey, Charles McClung, George Roulstone, George McNutt, John Adair and Robert Houston, Esquires, shall be, and they are hereby declared to be a body politic and corporate by the name of the president and trustees of Blount College, in the vicinity of Knoxville.*

The college was declared opened to all denominations in the following words:

And the trustees shall take effectual care that students of all denominations may and shall be admitted to the equal advantages of a liberal education, and to the emoluments and honors of the college, and that they shall receive a like fair, generous and equal treatment during their residence.

This was the first non-sectarian college chartered in the United States. Col. James White donated the town square to the trustees for the use of the college, and a two-story frame building was erected by subscription near the northwest corner of the square.*

Rev. Samuel Carrick, the president, was a native of Pennsylvania. He removed in early life to Virginia, where he received his education and labored for many years. In 1787 he came to Tennessee and preached from the artificial mound, near the confluence of the Holston and French Broad Rivers. The next year he returned, and henceforth encountered all the hardships and dangers of pioneer life.

No authentic records of the first five years of the college exercises are in existence, but, according to tradition, great and general interest was taken in the institution, especially on examination occasions. The written records of the college begin with the year 1804. Among the students at that time were C. C. Clay, William Carter, Thomas Cocke, Lemuel P. Montgomery and William E. Parker. The last named graduated on the 18th of October, 1806, the first student to graduate from the college. Females were admitted to the college at this time. The first named are those of Polly McClung, Barbara Blount, Jenny Armstrong, Matty and Kitty Kain. As originally organized the college was dependent for its support solely upon the patronage of the public.

Greeneville College was founded by Hezekiah Balch, a native of Maryland, but reared from early childhood in Mecklenburg County, N. C. He graduated at Princeton College and soon after located in Greene County, where he served as a co-laborer in the church with Dr. Doak, of the adjoining county of Washington. But during nearly his entire life in the State he was harrassed by trials before presbyteries, synods and the general conference for some alleged heresies in the doctrines which he preached. So much of his time and money were spent in attendance upon these trials that his school was seriously injured, yet he patiently labored on until his death.

The first female academy in the State was founded by Moses Fisk, at Hilham, in Overton County, and was known as Fisk's Female Academy. It was chartered in 1806, and, according to the terms of the charter, Moses Fisk and Sampson Williams were to contribute 1,000 acres of land each toward the endowment of the institution. Fisk was a native of Massachusetts, a graduate of Harvard College and a man of great learning and of singular genius.

In 1806 Congress passed an act of great importance to the educational interests of Tennessee. It was entitled "an act to authorize the

*For the sketch of Blount College and the University of Tennessee this chapter is indebted to the address of Col. Mose White, delivered in 1879.

State of Tennessee to issue grants and perfect titles to certain lands therein described; and to settle the claims to the vacant and unappropriated lands within the same." This act provided "that the State of Tennessee shall appropriate one hundred thousand acres, which shall be located in one entire tract, within the limits of the lands reserved to the Cherokee Indians by an act of the State of North Carolina entitled 'An act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army,' passed in the year one thousand, seven hundred and eighty-three, and shall be for the use of two colleges, one in East and one in West Tennessee, to be established by the Legislature thereof. And one hundred thousand acres in one tract within the limits last aforesaid for the use of academies, one in each county in said State to be established by the Legislature thereof; which said several tracts shall be located on lands to which the Indian title has been extinguished, and subject to the disposition of the Legislature of the State; but shall not be granted nor sold for less than two dollars per acre, and the proceeds of the sales of the lands aforesaid shall be vested in funds for the respective uses aforesaid forever, and the State of Tennessee shall, moreover, in issuing grants and perfecting titles, locate six hundred and forty acres to every six miles square in the territory hereby ceded, where existing claims will allow the same, which shall be appropriated for the use of schools for the instruction of children forever."

The General Assembly, at the next session after the passage of this act, was flooded with memorials and petitions from the people of several counties, and from the president and trustees of each of the colleges in East Tennessee, praying for the grant and setting forth the advantages of their particular localities for the establishment of the college. Greenville College urged the numerous advantages peculiar to that institution, "its local situation, extensive library, philosophical apparatus, ample funds and other circumstances." A resolution was received from the trustees of Blount College, expressing a willingness to unite their funds with those of the college to be established, provided it should be situated within two miles of Knoxville. The people of Blount County wished the college located at Marysville, while Hawkins County recommended Rogersville. The question of locating the college, however, was not settled until the next session of the Legislature, when thirty persons were appointed trustees of East Tennessee College, "to be located on ten acres of land within two miles of Knoxville, conveyed in trust for the use of said college by Moses White at a place called the Rocky or Poplar Spring." The trustees, with the exception of seven, were apportioned

among the several counties of East Tennessee according to their population. The seven trustees were selected from among men living in the vicinity of the college that they might have a more direct oversight of the institution. The following were the trustees appointed: For Hawkins County, Richard Mitchell and Andrew Galbreath; Sullivan, John Rhea and James King; Greene, Augustus P. Fore and John Gass; Washington, Mathew Stephenson and John Kennedy; Carter, George Duffield; Jefferson, James Rice and Joseph Hamilton; Grainger, John Cocke and Maj. Lea; Cocke, Alexander Smith; Sevier, Hopkins Lacy; Blount, Joseph B. Lapsly and Dr. Robert Gant; Claiborne, William Graham; Anderson, Arthur Crozier; Roane, Thomas I. Vandyke; Knox, George W. Campbell, John Sevier and Thomas Emmerson. John Crozier, John Williams, Archibald Roane, Francis A. Ramsey, David Deaderick, George Doherty and John Lowry were appointed as the special trustees. Until buildings could be erected the trustees were authorized to use the buildings of Blount College, and the funds of that institution were declared incorporated with those of East Tennessee College.

In 1806, after the passage by Congress of the act already referred to, the trustees of Davidson Academy petitioned the General Assembly for the endowment provided for in that act, and the academy being the only institution of the kind in West Tennessee* the petition was granted, and a body of nineteen trustees was incorporated under the name of the "Trustees of Cumberland College." All the property, both personal and real, belonging to Davidson Academy was transferred to the college. At a meeting of the board of trustees held in July, 1807, it was decided to open the college for the reception of students on the 1st of the next September, and books and apparatus to the amount of \$1,000. were purchased. Rev. Thomas Craighead was continued as president of the institution until October 24, 1809, when Dr. James Priestly was elected. The former continued one of the trustees till the autumn of 1813, when his connection with the college finally ceased.

The management of the endowment fund proved to be a source of considerable difficulty. Various acts were passed providing for its investment, none of which proved satisfactory in its results. In 1807 John Russell, James Park, Josiah Nichol, Edward Douglass, John Overton and William Tate were appointed commissioners to manage the fund, and were authorized "to purchase stock in some reputable bank in the United States, and to pay over the dividends arising from the same to the colleges." Two years later Thomas McCorry, John Crozier and Thomas Emmerson were appointed to loan out the money in the treasury belong-

*What is now Middle Tennessee was then called West Tennessee.

ing to the college. In 1813 an act was passed requiring all moneys collected for the use of Cumberland College to be turned over to the trustees of that institution, and by them to be invested either in Nashville bank stock or stock of the Bank of the State of Tennessee. The treasurer of East Tennessee was required to invest the money belonging to East Tennessee College in the same way. All the moneys loaned out, to individuals were called in.

In 1806 the General Assembly, in compliance with the act of Congress, made provisions for county academies, and appointed five trustees for each county. These trustees were empowered "to fix upon and purchase a site, and to take and receive subscriptions for the same." As the amount of funds available for each county was quite small, it was necessary that the people provide the buildings, and, also, in a great measure support the schools by subscriptions and donations. It was, consequently, several years before academies were established in all of the counties.

Thus it is seen that after more than thirty years of dependent, and twenty years of independent, State government, no legislative action had been taken for the support and encouragement of common schools in Tennessee. Acts and grants for the benefit of academies and higher institutions of learning are numerous, but the idea of a system of popular education maintained at public expense does not seem to have entered the minds of legislators. In this may be found one of the most striking contrasts between Virginia, North Carolina and other Southern colonies and those of New England—a contrast which is yet apparent. So early as 1637, in all of the Puritan colonies it was ordered: "To the end that learning may not be buried in the graves of our forefathers, that every township after the Lord hath increased them to the number of fifty householders, shall appoint one to teach all children to write and read, and when any town shall be increased to the number of one hundred families, they shall set up a grammar school, the master thereof being able to instruct youth so far as they may be fitted for the university." The establishment of Harvard College followed soon after.

In these colonies the fundamental idea was universal education, beginning with the common school and ending with the university. In North Carolina, Tennessee and the other Southern States, the system was reversed. The college was first provided for, leaving the individual to prepare himself for receiving its benefits. The idea is expressed in the preamble to the act establishing the University of North Carolina: "WHEREAS in all regulated governments it is the duty of every legislature to consult the happiness of the rising generation, and endeavor to

fit them for an honorable discharge of the social duties of life by paying strict attention to their education, and, whereas, an university supported by permanent funds and well endowed would have the most direct tendency to arrive at the above purpose; *Be it enacted, etc.*" The cause for this difference in the educational systems was due partly to the dissimilar character of the people of the two sections, but more to the peculiar condition of society in each. In New England even in the earlier days there were but comparatively few slaves, and it was found that the laborer is valuable just in proportion to his knowledge and skill, and therefore that it is economy to educate him. This, with the democratic spirit inherent in the colonists, produced the common school, the great preserver of democracy. In the Southern colonies the educational system was based upon "the theory that labor should be absolutely under control, and needed no intelligence; that culture, that knowledge of letters on the part of the slaves was especially dangerous to the system, that the only need of culture was on the part of the master, and this he was amply able to secure for himself. The intermediate class of persons—those who did not own slaves and who were not owned as slaves—occupied a most unfortunate position. The richer class had not the property interest in them, and did not consider them part of the same classification, because they were not slave owners."* These general ideas, modified by local influences, shaped education for more than two centuries. It is true that systems of common schools were established in nearly every State, but in no instance did such a system flourish in company with the institution of slavery. The wealthy expected no advantage to their children from it, for they sent them to pay-schools or provided private tutors. This gave the public schools the name of pauper schools, and they were looked upon in that light alone. The public sentiment in Virginia with regard to a State school system supported by taxation—and this sentiment was common to the other Southern States—is clearly stated in the following extract from the autobiography of Thomas Jefferson. He was called upon to formulate a plan of general education for that State. He says: "I accordingly prepared three bills, proposing three distinct grades of education, reaching all classes: First, elementary schools for all children generally, rich and poor; Second, colleges for a middle degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who were in easy circumstances; and third, an ultimate grade for teaching sciences generally, and in their highest degree. The first bill proposed to lay off every county in hundreds, or wards of a proper size and population for a school, in which reading,

* Gen. John Eaton.

writing and common arithmetic should be taught: and that the whole State should be divided into twenty-four districts, in each of which should be a school for classical learning, grammar, geography and the higher branches of numerical arithmetic. The second bill proposed to amend the constitution of William and Mary College, to enlarge its sphere of science, and to make it in fact a university. The third was for the establishment of a library. Into the elementary bill they inserted a provision which completely defeated it, for they left it to the court of each county to determine for itself when this act should be carried into execution within their county. One provision of the bill was, that the expense of these schools was to be borne by the inhabitants of the county, every one in proportion to his general tax rate. This would throw on wealth the education of the poor, and the justices, being generally of the more wealthy class, were unwilling to incur the burden, and I believe it was not suffered to commence in a single county."

From this treatment of Mr. Jefferson's wise plan it is seen that although the popularity of a common school system demanded its enactment, it was, so far as possible, rendered inoperative. This may be said to have been the attitude of Tennessee on this subject, from the organization of the State to the civil war. But while the common schools were thus neglected and ignored, these other great agencies in the dissemination of knowledge and the formation of character, the private school seminary and university in a great measure supplied their place, and in many respects were superior to the best public schools. In fact, among the educated class of the South there was, perhaps, a larger percentage who were thoroughly well educated, than in the North. The church and the hustings also were potent factors in education. Through their influence intelligent citizens were made though they did not, and many of them could not, read the newspapers.

The first tax for educational purposes was levied under an act passed in 1816 "to provide for the education of orphans of those persons who have died in the service of their country." The act provided "that it shall be the duty of each county court in the State at each and every court after the first day of January, 1816, to lay such a tax upon all taxable property as shall be sufficient to educate the poor orphans who have no property to support and educate them and whose fathers were killed or have died in the service of their country in the late war." The county court was also empowered "to make such contract with any person or persons as they may think best calculated for that purpose, to board and educate such children as far as to attain the art of reading, writing and arithmetic so far as the rule of three."

In 1817 an act was passed to provide for the leasing of the school lands, laid off under the act of Congress in 1806. It was made the duty of each county court of the State to appoint as many commissioners as they might think necessary whose duty it was to lease out the school lands and receive and pay over the proceeds to the county trustee for the use of the schools in the respective counties. It was also made the duty of the commissioners, when sufficient funds had been received, "to build a comfortable house for a common English school to be taught in, and to employ and pay a good teacher of English to instruct all children that may be sent thereto." It was further provided that when \$100 or more, for which there was no immediate use, had accumulated in the hands of the county trustee, that officer should loan the money out upon good security. Some interest in popular education was aroused by the passage of this act, but it was of short duration, and only a few schools were established. Various acts, some of them local in their application, were passed during the next ten years, but no changes of great importance were made.

By provision of an act passed in 1823, five commissioners for each county were appointed, whose duty it was to appropriate "all the moneys received by them to the education of the poor, either by establishing poor schools, or by paying the tuition of poor children in schools which are, or may be established in their respective counties." From this act, establishing pauper schools, it is evident that no material advance toward a system of popular education had been made. The common school fund, collected from the lands set apart by the act of 1806, amounted to little better than nothing. In fact, from the report of a committee of which James K. Polk was chairman, it is stated that only 22,705 acres of school land had been laid off, while according to the provision of the act, granting 640 acres for each thirty-six square miles, the number of acres located should have been nearly 450,000. In 1823 Congress repealed that portion of the act of 1806, fixing the price at which the land could be sold, and the General Assembly at its next session made provision to dispose of it at 12½ cents per acre. The title to the Indian lands embracing what is now West Tennessee, was extinguished in 1818, but no provision was made for the support of schools.

About 1830 there began what has been termed a revival in education which in spirit, if not in practice, extended throughout the United States. It was found that the schools were too dependent upon the teachers, or the presence or absence of a school man in the neighborhood; that the system lacked uniformity and effectiveness; that even in the most advanced States, it was insufficient to meet the demands of the rapidly increasing population and to resist the influx of ignorance from the Old

World. Eminent educators, Horace Mann, Dr. C. E. Stowe, and others, gave the subject a thorough study, published books, and delivered addresses until a conviction resulted that not only public welfare demanded a better educational machinery, but that it was the duty of the State to provide it. It resulted in establishing State supervision, graded schools, city and county supervision, normal schools and teacher's institutes, educational journals and literature, and perhaps the most important of all, the abolition of all rate bills, and the entire support of the schools by tax.* Many States adopted the new system, the efficiency of which soon became apparent.

The spirit of this revival extended to Tennessee, and the popularity of some system of State education rendered legislation upon it imperative. But although many of the best men in the State labored earnestly to secure an efficient system, the idea that free schools were established only for the benefit of the indigent portion of the community could not be eradicated, and failure was the result. As has been stated, the idea of a system of schools, as a measure of economy, for the benefit of the rich as well as the poor, could not under the then existing state of society become general.

In 1827 the General Assembly passed an act creating a school fund, to be composed of all the capital and interest of the State bank, except one-half of the principal sum already received; the proceeds of the sales of the Hiwassee lands; all lands in the State which had been appropriated to the use of schools; all the vacant and unappropriated lands to which the State had, or might thereafter obtain title; all the rents and mesne profits of all the school lands which had accrued and had not already been appropriated; all the funds denominated school or common school funds which had accrued from the sale of lands; the donations made by various parties to the State; all the stock owned by the State in the old bank of the State at Knoxville, amounting to 400 shares, and the property of all persons dying intestate and without legal heirs. No provision was then made for applying this fund to its intended use. Two years later an act was passed establishing a system of public schools. Under this system the counties were divided into school districts of convenient size, in each of which five trustees were elected, whose duty it was to meet at the court house on the first Saturday of June in each year, for the purpose of electing not less than five, nor more than seven "discreet and intelligent citizens" for common school commissioners. The trustees were also given full power to employ and dismiss teachers, and to judge of their qualifications, capacity and character. The com-

*John Eaton.—Report of 1869.

missioners were given control of all moneys for the use of schools. They were to divide the county into five districts, over each of which one commissioner was to exercise general supervision. The interest arising from the school fund was to be distributed among the school districts in proportion to the number of children in each, between the years of five and fifteen, but before any district should be entitled to its share it was compelled to provide a comfortable schoolhouse. It was made the duty of the president and directors of the State bank to equalize and distribute the fund. The commissioners were authorized to expend a sum not exceeding \$20 annually in the purchase of books, to be distributed to children whose parents were not able to provide them. The act also provided that "it shall be the duty of the trustees to induce all children under the age of fifteen years to be sent to school, and no distinction shall be made between the rich and poor, but said school shall be open and free to all."

Although the system as presented in this act embraced many excellent features, it lacked several essentials. The funds were not sufficient to support the schools without resort to rate bills, and the houses were to be provided by private subscription. There were also too many executive officers and no controlling and supervising head, either for the counties or for the State. The system was established in several of the counties, and in a few it met with some success. The commissioners for Maury County, in 1832, reported twenty-two teachers employed for terms ranging from one and one-half to eleven months with an average of four months. The wages ranged from \$8 to \$49 dollars per month, averaging \$17. The total number of pupils enrolled during the year was 904. As the scholastic population of Maury County at that time exceeded 4,000, less than 25 per cent were enrolled in the public schools. The report from this county was one of the most satisfactory.

The total funds which had been received for the support of academies up to this date amounted to \$70,665.12. Thus the apparently munificent grant of 100,000 acres of land had yielded an aggregate of \$1,139.76 to each county during a period of twenty-five years. While some of the counties had received the full amount, others had established no academy, and their portion of the fund remained in the State bank.

In 1831 the profits arising from the State's stock in the Union Bank was set apart for the use of common schools; and upon the chartering of the Planters Bank of Tennessee and the Farmers & Merchants Bank of Memphis in 1833, the bonus of one-half of 1 per cent on the capital stock, payable annually to the State, was appropriated for the same purpose. A similar disposition was made of a bonus of 5 per cent of the net

profits of the Tennessee Fire & Marine Insurance Company. This was the condition of the public schools and the school fund at the adoption of the constitution of 1834. That instrument contains the following section concerning education:

ARTICLE XI.

SEC. 10. Knowledge, learning and virtue being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State being highly conducive to the promotion of this end, it shall be the duty of the General Assembly in all future periods of this government to cherish literature and science. And the fund called the "Common School Fund" and all the lands and proceeds thereof, dividends, stocks, and all other property of every description whatever heretofore by law appropriated by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a perpetual fund, the principal of which shall never be diminished by legislative appropriation, and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of the people thereof; and no law shall be made authorizing said fund, or any part thereof, to be diverted to any other use than the support and encouragement of common schools; and it shall be the duty of the General Assembly to appoint a board of commissioners, for such term of time as they may think proper, who shall have the general superintendence of said fund, and who shall make a report of the condition of the same from time to time under such rules, regulations and restrictions as may be required by law; *Provided*, that if at any time hereafter a division of the public lands of the United States, or of the money arising from the sale of such lands, shall be made among the individual States, the part of such land or money coming to this State shall be devoted to the purpose of education and internal improvements, and shall never be applied to any other purpose.

The following section affirms "that the above provisions shall not be construed to prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities or academies."

At the following session of the Legislature an act in accordance with the provisions of the constitution was passed, appointing a board of common school commissioners consisting of the treasurer, comptroller and a superintendent of public instruction. The last named officer was to be elected by a joint ballot of both houses of the General Assembly for a term of two years, and was to receive a salary of \$1,500 per year. He was to collect the moneys, notes and other securities belonging to the common school fund, and in conjunction with the other members of the board he was to appoint an agent in each county. These agents were to perform the duties of the former bank agents and county school commissioners. They were to renew the securities for the debts due to the school fund every six months, calling in a certain per cent of the debt each time until the whole should be collected. It was then to be invested in bank stock by the superintendent.

During the session of 1839-40 the General Assembly passed an act to establish a system of public schools. The report of a committee appointed to inquire into the condition of the common schools, and to re-

port a plan for the reorganization of the system, contains the following: "The subject of education has never yet received in Tennessee that attention which it so richly merits. Appropriation after appropriation, it is true, has been made to the support of common schools, but the system adopted under that name has heretofore proved inefficient and by no means equal to the expectation of those who first established it. While this has been the case with the common school system, a prejudice has prevailed against the higher institutions of learning, academies and colleges, neither of which consequently has received much from the munificence of the State."

The committee proposed to add to the existing school fund, amounting to a little more than \$1,500,000, about \$500,000 of the surplus revenue, the interest on the whole of which it was thought would amount to \$100,000 per annum. To the academy fund amounting to \$50,000 it was proposed to add \$600,000 of the surplus revenue, and to divide \$300,000 of the same fund among three universities, one for each division of the State. The system as adopted did not differ materially from that of 1829, except that the county trustee performed the duties which had previously devolved upon the county commissioners, and the superintendent of public instruction had control of the distribution of the annual fund. The apportionment was fixed upon a ratio of white children between the ages of six and sixteen years, instead of five and fifteen as before. The duties of the district trustees remained the same as under the old system.

The school fund had already been constituted a portion of the capital of the newly chartered State Bank, and of its dividends the faith of the State was pledged to the annual appropriation of \$100,000 to school purposes. This annual revenue was increased by bonuses, taxes, fines and penalties. On the same conditions \$18,000 was appropriated annually for a period of thirty years for the use of county academies, provided the trustees would relinquish all claims against the State for debts due from citizens south of the French Broad and Holston Rivers. For the benefit of East Tennessee College and Nashville University, two half townships of land in the Ocoee District were granted on condition that they relinquish their claims, as had been provided in the case of academies.

The new system of common schools went into effect in 1838, and by the close of the following year 911 of the 987 districts in the State had chosen trustees and the majority of them had opened schools. The first apportionment of school funds was made in 1839, at a rate of 62½ cents for each child of school age, the scholastic population being 185,432.

Upon the passage of the act creating the office of superintendent of public instruction, Col. Robert H. McEwen was elected thereto, and continued to hold the office until 1840. He was extensively engaged in business, being the principal member in two or three different firms. At the session of the Legislature of 1839-40, a joint committee of both houses was appointed to investigate the affairs of his office. After a careful examination they reported that he had speculated with the funds and mismanaged them, and that he was a defaulter to the amount of \$121,169.05.⁶ His term of office expired soon after, and R. P. Currin was elected to succeed him. At the following April term of the Chancery Court of Franklin, a suit was instituted against McEwen and his securities to recover the amount of the defalcation. A decree having been obtained against the defendants, the case was appealed to the supreme court where the decree was affirmed. Upon a petition from the securities for relief, January 19, 1844, the General Assembly adopted a resolution appointing William Carroll, Nicholas Hobson, Willoughby Williams and John Marshall, commissioners, to compromise and settle the suit, declaring that their decision should be final. The last two declined to serve and John Waters and M. W. Brown were appointed in their place. The commissioners decided that the securities should pay the sum of \$10,797.86 as a settlement in full of the claims against them. The attorneys for the State objected to this settlement on the grounds that the resolution of the General Assembly making it final was unconstitutional. The objection was overruled by the supreme court, Judge Turley delivering the opinion.

In 1844 the office of superintendent of public instruction was abolished, and the duties of the superintendent transferred to the state treasurer. In 1848 the president and directors of the State Bank were constituted the board of common school commissioners.

On April 19, 1847, a common school convention was held at Knoxville at which were present representatives from Greene, Cocke, Hawkins, Claiborne, Jefferson, Blount, Knox, Roane, Marion and Anderson Counties. A memorial to the Legislature was adopted, recommending the appointment of a board of education for each county, whose duty it should be to examine applicants and to grant licenses to teachers; the publication of a monthly state journal devoted exclusively to the cause of education throughout the State; the appointment of a superintendent of public instruction, and the taxation of property for the support of schools. The memorial closed with a reference to the illiteracy in the State as shown by the census of 1840. The following is an extract: "At no period perhaps in the existence of our State, and by no means was the pride of our



STATE NORMAL SCHOOL, NASHVILLE.

Photo by Taux, Kerlin & Co.

people of all parties, denominations and classes more deeply wounded than when the returns of the census of 1840 were promulgated. * * The humiliating fact that there were in the State 58,531 white persons over twenty years of age who could neither read nor write, was heralded over this broad Union, and made the subject of sneering remark in almost every newspaper in the country. Our State stood within one of the bottom of the list in point of universal intelligence; the number of ignorant in North Carolina being a fraction greater." The number of white persons over twenty years of age in the State at that time was 249,003. Consequently the proportion of illiterates was a little more than $23\frac{1}{2}$ per cent. The census of 1850 shows no improvement in the educational *status* of the State. At that time there were 316,409 white persons over twenty years of age, and of that number 77,522, or $24\frac{1}{2}$ per cent could neither read nor write. According to the census of 1860 the proportion of illiterates was $19\frac{7}{10}$ per cent, a gratifying improvement which was probably due in a great measure to the increased efficiency of the common schools. During the preceding decade two laws were passed both of which did much to improve the school system. The first, passed in 1854, authorized the county court of each county to levy a tax of 25 cents on each poll, and $2\frac{1}{2}$ cents on each \$100 worth of property, for the use of common schools. If two-thirds of the justices of any county were not in favor of levying such a tax, it was made the duty of the court to order an election to be held to ascertain the wishes of the people. Under the provision of this law the school fund was nearly doubled. The following are the items which made up the fund in 1856 as reported by the treasurer:

From the State treasury.....	\$100,000 00
In lieu of land tax.....	2,000 00
School tax on property.....	60,427 71
School tax on polls.....	25,469 70
Bonuses from banks and insurance companies.....	12,260 88
Proceeds of escheated lands....	1,617 34
Interest on school bonds in Bank of Tennessee..	951 37
Total.....	\$202,727 00

The scholastic population at that date being 289,600, the allowance for each child amounted to 70 cents, while previous to the passage of the act of 1854 it averaged about 40 cents.

In 1856 it was enacted that each county court of the State, on the first Monday in January of each year, should appoint one or more commissioners, whose duty it was "to examine all applicants to teach free schools." Another law of some importance was passed in 1851, authorizing commissioners to employ female teachers in any school, and to pay them in the same manner as was provided for male teachers.

The first public graded school in the State was established in Nashville in 1855. Three years previous to that time Alfred Hume, long an eminent teacher in Nashville, was engaged by the city council to visit various cities in other States where public schools were in operation to investigate their practical works. From the information thus obtained he made a thorough and exhaustive report, which was favorably received, and preparations for the erection of a school building were soon after begun. Upon its completion six teachers, all gentlemen, were employed, and the schools formally opened for pupils February 26, 1855. The schools were popular and successful from the first. Other buildings were soon after provided and the facilities greatly increased.

March 20, 1858, an act was passed incorporating the Memphis city schools. It placed them under the control of a board of visitors consisting of one member from each ward elected on the first Saturday in June of each year. They were authorized to levy a tax for school purposes not to exceed a ratio of \$10 for every youth between the ages of eight and sixteen years. The act was amended two years later, and the limit of the tax levy increased to \$15 for each white youth between the ages of six and eighteen years. The board was authorized to erect buildings at a cost not to exceed \$75,000, except by a vote of the citizens. Permission was also given to the city council to issue bonds for the whole or a portion of the amount expended. Thus the two leading cities were supplied with efficient public schools, whose success and popularity did much to encourage the cause of education throughout the State, and the period from 1855 to 1861 was the most prosperous in the history of the common schools previous to the civil war. But, taken as a whole, the more than forty years of experimenting, altering, abolishing, amending and repealing, must be regarded as a stupendous failure when it is remembered that in 1860 one adult white person out of every five had never seen the inside of a school-room.

The same causes, however, which prevented the success of popular education promoted the cause of the private schools, academies and seminaries. These institutions sprang up all over the State, and many of them obtained a wide reputation for the excellence of their discipline and instruction. Indeed it is doubtful if any other State in the Union, according to its population, possessed a greater number of schools of high character. The result was that those persons able to avail themselves of the advantages of these institutions were as a rule thoroughly educated.

During the war education was almost at a stand-still. The public schools were suspended, private schools, academies and seminaries were closed, many of them never to be reopened. The buildings, too, suffered

in the general devastation. Many were entirely destroyed, while others were used in turn by the opposing armies for hospitals and camps.

At the close of hostilities the educational problem confronting the people of Tennessee was one of the most appalling ever presented to any people. With over 70,000 illiterate adult white persons at the beginning of the war, augmented by thousands, deprived of schools during the succeeding four years, in addition to nearly 300,000 helplessly illiterate freedmen; the situation was not only overwhelmingly discouraging, but positively dangerous. Under the most favorable circumstances to educate such a population and fit it for intelligent citizenship, was an almost hopeless undertaking, but how much more so when impoverished by war and demoralized by a social revolution. The first step toward the reorganization of the common schools was taken in April, 1865, when the following resolution was presented to the Senate by John Trimble:

Resolved, That it be referred to the committee on common schools and education to take into early and earnest consideration the whole matter of free common schools, and at as early a date as practicable, report a system of free common schools to be put into operation throughout the State. That it also report what tax is necessary, and how the same may be raised.

This resolution, under a suspension of the rules, was referred to the designated committee, of which W. Bosson was chairman. The committee asked that the time to make the report be postponed until the next session, which was granted. The summer of 1865 was employed in reading the school laws of other States, corresponding with state superintendents, receiving their reports and suggestions, and perfecting the original bill. It was then sent to eminent educators in various States for criticism. On October 25, 1865, the bill, accompanied by a petition, was presented to the Senate. After undergoing many amendments, rejections and reconsiderations in both houses, it finally became a law in March, 1867. Under its provisions the territorial divisions remained the same as under the old law. The officers provided were a state superintendent, county superintendents, a board of education for each civil district, and three directors for each subdistrict. The money appropriated consisted of the proceeds of the school fund, a property tax of 2 mills upon the dollar, a poll tax of 25 cents, and a railroad tax, one-fourth of 1 per cent a mile for each passenger. The annual income from all these sources was paid on the warrant of the comptroller to the state superintendent, and by him distributed to the county superintendents, who acted as county treasurers, and paid all orders of the board of education both for the civil districts and subdistricts. It was made obligatory upon the directors, or in case of their neglect, upon the board of directors, to maintain a free school in every subdistrict for a period of

five months every year. If the school fund were insufficient to defray the expenses of such school the subdistricts were required to levy a tax sufficient to make up the deficiency. The benefits of the schools were free to all of legal age, both white and black without restriction, except that they were to be taught separately.

Although the law was to go into effect with the election of school directors, on the first Saturday in June, 1867, so great was the opposition to it, and so many the obstacles to be overcome that it was nearly two years before it became generally established. The state superintendent's office, with Gen. John Eaton, Jr., at its head, was opened in October, 1867, at which time, as he reported, only here and there had any community complied with any of the requirements of the law. With characteristic energy and devotion to the cause he set to work to put in motion the machinery of the new system. County superintendents were appointed, meetings of teachers and superintendents held, addresses delivered, and all possible means used to arouse the educational sentiment of the people. The law, however, was too far in advance of public opinion. The support of the schools, by a tax upon property, met with little favor, while the granting of equal educational advantages to the colored children met with the most violent opposition. The following extract from county superintendents' report for 1868 and 1869 illustrates the popular sentiment: "Monroe County has a strong element that is hostile to popular education, and sticks at nothing to embarrass the working of free schools." The superintendent of Davidson County reported that among the great difficulties to be overcome, one of the greatest, was the organization of colored schools. There were no houses for that purpose, and there was a general prejudice against negro education, so that there were only a few white people who would, and dared assist, the colored people in building schoolhouses. "Most of the directors in this county (Weakley) shake their heads when I talk to them about colored schools, and say this is not the time for such schools. Others are willing to do all they can for them, but are afraid of public opinion." The following extract is from the report of the state superintendent: "Superintendents, directors and teachers resigned their positions on account of threats of personal violence. In July, 1869, sixty-three counties reported thirty-seven schoolhouses had been burned. Teachers were mobbed and whipped; ropes were put around their necks, accompanied with threats of hanging; ladies were insulted. Not a few teachers were dissuaded from teaching out their schools, after they had commenced them, by the reports widely circulated and emphatically repeated, that the State would not disburse any money for schools. In addition to these difficulties super-

intendents and directors often had to employ those not so well qualified as they desired; instead of comfortable schoolhouses teachers often taught in a mere shell of a building; indeed, schools in the summer were reported to be taught under the shade of trees. Colored schools found most pupils compelled to begin with the alphabet. White schools sometimes exhibited a hardly less deplorable lack of knowledge of letters. One school reported, out of seventy-five enrolled, sixty-eight beginning the alphabet."

One of the most serious difficulties encountered was in securing a distribution of the school fund. The money raised for school purposes, in 1866, was employed by the State as a loan to liquidate the interest claims upon the railroad, for the payment of which the faith and credit of the State stood pledged, consequently the apportionment and distribution of the fund for that year did not take place until the fall of 1868, the amount being 48 and seven one-hundredths cents for each child. The distribution of the fund for 1867 was made in February, 1869, and amounted to about \$400,000, or \$1.15 for each child. Under the act of 1867 there was raised for that year, by several cities, counties and civil districts, by voluntary local taxation, and paid out for the use of their public schools an amount aggregating about \$130,000. All educational efforts, in the State, however, were soon after almost paralyzed by a decision of the supreme court, declaring that portion of the act providing for civil district taxation unconstitutional. The work of organization, however, was pushed on, and taking into consideration the unsettled condition of the country, the progress was exceedingly rapid. The state superintendent's report of the work up to September, 1869, gives the following results:

	White.	Colored.	Total.
Number of schoolhouses built.....	456	172	628
Number of schoolhouse sites procured.....	226	63	289
Number of schools opened.....	3,405	498	3,903
Number of teachers employed.....	.....	.....	1,614
Number of different pupils in attendance.....	160,027	25,818	185,845

The work of establishing systems of public schools in the South after the war was greatly aided by the munificence of George Peabody, who, in 1867, placed in the hands of a board of trustees over \$2,000,000, in money and securities, for the encouragement of education in the Southern States. This sum two years later he increased by nearly \$1,500,000. To the donation of Mr. Peabody was added a gift of 130,000 volumes of school books from D. Appleton & Co. and A. S. Barnes & Co. These donations were made for the benefit of both races, white and colored.

without distinction. In November, 1867, Rev. Dr. Sears, the general agent of the trustees of the fund, visited Tennessee, and made arrangements to assist normal school instruction and to aid in the establishment of public schools in towns and cities after a certain amount had been done by the citizens. In this way graded schools were opened in Knoxville, Chattanooga, Cleveland, Clarksville, and other localities "where schools of that quality would otherwise have been impossible."

Some mention has been made of the attempt to establish colored schools. It was one of the most difficult tasks in the reorganization of the educational system. It was impossible that it should be otherwise. No matter what system or what set of men attempted it, the old prejudices were not ready to witness its progress in quiet. The general judgment that it must be done—that it was better that it should be done—for the whites as well as the blacks, did not suffice to prevent opposition, although it gradually overcame it. The first attempt toward the education of the colored people was made in the autumn of 1862, when Miss Lucinda Humphrey, a hospital nurse, opened an evening school for the colored employes of the hospital at Memphis. Others followed, increasing from year to year, until in the winter of 1864-65 a method was provided for the colored people to enter actively into the work of supporting their own schools, and after which, in about five months, they paid for the purpose some \$4,000, and the attendance was reported in and around Memphis as high as 1,949 in April, 1865, before the organization of the Freedmen's Bureau.

In Clarksville schools were established for them in 1864, and by the spring of 1865 had realized an attendance of some 300. During the same period Rev. J. G. McKee and his associates opened similarly flourishing schools in Nashville, and others did the same in Murfreesboro, Chattanooga, Knoxville, and other points.*

In the spring of 1865 the Freedmen's Bureau was established, and during the next four years disbursed over \$150,000 in the State, the greater part of which was bestowed upon colored schools. Indeed a large part of the colored schoolhouses would not have been built without the aid thus obtained. In connection with this bureau various organizations operated efficiently, both in sustaining schools and in supplying well qualified and competent teachers. Several of these organizations expended large amounts of money, estimated in 1869 at an aggregate of \$300,000. At the close of the seventh decade popular education in Tennessee was higher than at any previous period in the history of the State. The school law of 1867 was the first legislative attempt to-

*Report of Superintendent of Public Instruction, 1869.

ward a thoroughly appointed state system of public instruction in Tennessee, and a great work had been accomplished under it; yet in a little more than two years after its enactment it was repealed. The cause of its failure to sustain itself is explained in the following extract from the report of the state superintendent for 1874:

"It is enough to say that the experiment was inopportune made, and the projected system was ill-adapted to the prevailing condition of our people. The echoes of the war had not died away. Political and social disorder still prevailed throughout the State, and a people, not yet assured of their civil *status*, were not in a favorable condition to be very profitably concerned about a costly system of popular education, or to be cheerfully taxed for its support. Thus, lacking popular favor and confidence, the experiment failed, and may be now advantageously cited, in contrast with the *ante bellum* 'system,' as demonstrating that in public school enterprises, as in all other matters, as much harm may often result from attempting too much as from being content with too little; and further, that an active popular sympathy is essential to the success of any system of public instruction."

The repeal of the act of 1867 took place December 14, 1869. The state superintendent and county superintendents were ordered to turn over all the funds remaining in their hands to the comptroller of the State, and the former was given ninety days to wind up the affairs of his office. During the ten years from 1860 to 1870 no county in the State had more than three sessions of public schools, while many had no more than one. The private schools too were not so numerous, and many who had previously been able to pay tuition for their children were rendered unable to do so by the misfortunes of the war. It is little to be wondered at that illiteracy increased most lamentably. While the white population increased but 13 per cent during the decade the increase in the number of white illiterates was 50 per cent. Upon the adoption of the constitution of 1870 the clause in the old constitution concerning education was reaffirmed. It was further provided that "no school established or aided under this section shall allow white and negro children to be received as scholars together in the same school."

In July, 1870, an act to reorganize the public schools was passed. By this law the whole subject of popular education was virtually remitted to the counties, without imposing any obligations upon them to take action in the premises. No State levies upon property for school purposes were made, and a tax of 50 cents was imposed upon polls. The only officers provided for were three commissioners for each civil district, who collectively constituted a county board of education, and into whose

hands was placed the entire management of the schools. A subsequent act made the state treasurer superintendent of public instruction, *ex officio*, but no special duties were imposed upon him, and "he was a superintendent without a charge and without authority." The absolute failure of this system, if it can be called a system, induced the State Teachers' Association to recommend to the agent of the Peabody Fund the propriety of appropriating \$1,500 during the year 1872 toward the support of an agent to co-operate with the state treasurer, and to work under the immediate supervision of the association. This recommendation was adopted, and J. B. Killebrew appointed agent. He was soon after made assistant superintendent of public instruction, and in March, 1872, made a report which was published. It was found that less than thirty counties had levied a tax for school purposes, and in the remainder no action whatever had been taken. "In many of the counties where a school tax has been levied, commissioners have been elected who are opposed to any system of public instruction and feel a greater desire to make public schools unpopular by making them inefficient and of but little value, than to see them gaining ground and winning their way to public favor by educating, elevating and refining the public heart and mind. In neighborhoods where a high order of intelligence prevails, and where a decided interest has been manifested by the best citizens, good schools exist under the county system. On the other hand, where these conditions do not exist, free schools of the most worthless character are kept up a few weeks in the year, and taught by men whose chief distinction or fitness for the position lies in the severity and cruelty of their discipline and their adhesion to text-books used half a century ago."* It was estimated by the assistant superintendent that during the year 1872 not one-fifth of the scholastic population of the State had any means of education. In some counties visited by him there was not a single school, public or private, in operation, "nor were there any efforts being made by the citizens to remedy the deficiency." He justly pronounced the system then in operation "a farce and utterly devoid of vitality." At this time the trustees of the Peabody Fund rendered valuable assistance to many cities, towns and districts in maintaining schools. In 1871 an aggregate of \$24,900 was furnished to fifty-five schools; in 1872 a similar amount was granted.

No organization has done more to promote the educational interests of Tennessee than the State Teachers' Association, which was organized in July, 1865. Aside from the various measures of practical importance that owe their projection to this body, its meetings have awakened the

*Report of J. B. Killebrew.

public mind to the great need of better educational facilities. To this association the present school law owes its existence. At their meeting in 1872 a committee was appointed to prepare a draft of a school law, and present it to the Legislature with a memorial asking for its adoption. In their communication to the Legislature the committee said:

"The friends of popular education from every part of Tennessee united together under the name of 'The Tennessee State Teachers' Association' have been laboring for years past, and labor without money and without price, to procure the adoption of a system of public free schools to which the sons of the poor and the rich shall come with feelings of equality and independence; schools whose excellence shall attract all the children of our State, and which shall become the objects of pride and affection to every one of our citizens." "The system recommended by the association is one combining the State, the county and the district systems, retaining the valuable features of all and thus harmonizing all conflicting views as to different systems."

The form of the school law presented with the memorial was amended in a few particulars, and finally passed both houses in March, 1873. This law has since suffered but little modification. It provides for the appointment of a state superintendent, county superintendent and district school directors. The state superintendent is nominated by the governor and confirmed by the Senate. He is allowed an annual salary of \$1,995, and is required to devote his entire time and attention to his duties. His duties are to collect and disseminate information in relation to public schools; to make tours of inspection among the public schools throughout the State; to see that the school laws and regulations are faithfully executed; to prepare and distribute blanks, blank forms for all returns required by law; to appoint inspectors of schools; to require reports from county superintendents, or some one appointed in his place; to prescribe the mode of examining and licensing teachers; to report to the comptroller on the 1st of December of each year the scholastic population, and to report to the governor annually all information regarding the schools.

The county superintendents are elected biennially by the county courts of each county, which also fixes their salaries. They are required to visit the schools, confer with teachers and directors, to examine teachers and issue certificates, to report to the county trustee the scholastic population of their respective counties, and to report to the state superintendent whenever required.

The law provides for the election of three directors for each school district for a term of three years, one going out each year. The election

is held on the first Thursday in August by the sheriff of each county. The directors are required to explain and enforce the school law, and for this purpose to visit the schools within the district from time to time; to employ teachers and, if necessary, to dismiss them; to suspend or dismiss pupils when the prosperity of the school makes it necessary; to use the school fund in such manner as will best promote the interest of public schools in their respective districts; to hold regular meetings and call meetings of the people of the districts for consultation; to keep separate and apart the schools for white and colored children; to disburse the school funds; to take care of the public school property, and to report to county superintendents.

The clerk and treasurer of the district, who is elected from the board of directors, is required to take the census of all persons between six and eighteen years of age, in the month of July, to gather statistics and to keep a report of proceedings. He is allowed 2 cents per capita for taking the scholastic population, and that constitutes his compensation for his year's service as clerk. Public school officers and teachers are enjoined, under a penalty of not less than \$200 nor more than \$500 and removal, for having any pecuniary interest in the sale of school books, furniture or apparatus, or from acting as agent for the sale of such, or from receiving any gift for their influence in recommending or procuring the use in the school of any of the articles mentioned.

A certificate of qualification is required of every teacher. Teachers are required to keep a daily register of facts pertaining to their respective schools. Written contracts must be made with teachers, and for like services of male and female teachers like salaries shall be paid. The schools are open to all persons between the ages of six and twenty-one years residing within the school district, and in special cases those residing in different districts, provided that white and colored persons shall not be taught in the same school. Orthography, reading, writing, arithmetic, grammar, geography, elementary geology of Tennessee, history of the United States and the elementary principles of agriculture are the prescribed branches, while vocal music may also be taught. No other branches are to be introduced except as provided for by local taxation, or allowed by special regulations upon the payment of such rates of tuition as may be prescribed.

The district directors are given power to make contracts of consolidation with the trustees, teachers or other authorities of academies, seminaries, colleges or private schools, by which the public schools may be taught in such institutions, provided that the branches of study designated as the studies of public schools shall be taught free of any charge in such

consolidated schools. The permanent school fund of the State, as recognized by the constitution, was declared to be \$1,500,000, to which was added the unpaid interest amounting, January 1, 1873, to \$1,012,500. For the entire amount, \$2,512,500, a certificate of indebtedness was issued, signed by the governor, under the great seal of the State, and deposited with the comptroller of the treasury. Interest is paid on this amount at the rate of 6 per cent, the payments being made on the 1st of July and the 1st of January each year. To the permanent state fund is added from time to time the proceeds of all escheated property, of all property accruing to the State by forfeiture, of all lands sold and bought in for taxes, of the personal effects of intestates having no kindred entitled thereto by the laws of distribution, and donations made to the State for the support of public schools, unless otherwise directed by the donors.

The annual school fund is composed of the annual proceeds of the permanent school fund, any money that may come into the state treasury for that purpose from any source whatever, the poll tax of \$1 on every male inhabitant of the State subject thereto, and a tax of 1 mill on the dollar's worth of property subject to taxation. This last tax, together with the poll tax, is paid over to the county trustee in the county where collected, and distributed to each school district, according to scholastic population. When the money derived from the school fund and taxes imposed by the State on the counties is not sufficient to keep up a public school for five months in the year in the school districts in the county, the county court may levy an additional tax sufficient for this purpose, or submit the proposition to a vote of the people; and a tax to prolong the schools beyond the five months may also be levied. This tax must be levied on all property, polls and privileges liable to taxation, but shall not exceed the entire State tax. Taxes so levied by the county are collected in the same manner as other county taxes, and paid over to the county trustee for distribution. The State treasurer and county trustee are required to keep the school moneys separate from State and county funds. All school moneys in the treasury on the first Monday in October and April of every year, are apportioned by the comptroller among the several counties according to the population. The warrant for the amount due each county is drawn in the favor of the county trustee. The money received by him he is required to report immediately to the county superintendent and to the directors of each school district.

The law further provides for schools in incorporated cities and towns, the boards of mayor and aldermen of which are authorized to levy and collect an additional tax to that imposed by the general provisions of the

school law, upon all taxable polls, privileges and property within the corporate limits. Where such schools are established authority is given for the appointment of a board of education. The law also requires the governor to appoint a State Board of Education consisting of six members, holding their office for a term of six years, two retiring each year. The governor is *ex officio* president of the board. The principal duty of this board is to provide for and manage the State Normal School.

The law went into effect immediately after its passage, and extraordinary efforts for the multiplication and elevation of the public schools were made during the succeeding year. John M. Fleming was appointed superintendent of public instruction, and made his first report in December, 1874. From this report it is found that in 1873 there were thirty-six counties which levied no property tax, and thirty-two which levied no poll tax. The remaining counties levied a poll tax of from 5 cents to \$1, and property tax from $2\frac{1}{2}$ to 30 cents. Sixty-five counties levied no privilege tax. The tax levies for 1874 were about the same as for the year before. The total amount of school money received by the counties for the year ending August 31, 1874, was \$998,459.10, of which \$265,951.53 was from the State, \$522,453.17 from the counties, \$112,636.17 from districts, and \$97,418.23 from other sources. During the same time \$34,300 was received from the Peabody Fund, and distributed among sixty-two schools. The scholastic population in 1874 numbered 420,384, of which 103,856 were colored. The number of white teachers employed was 4,630, colored 921.* The average number of months taught during the year for the State was 3.85. The average pay of teachers per month was \$33.03.

Thus a State school system was once more inaugurated, and this time with better prospects of success, yet many difficulties and considerable opposition were yet to be overcome. The financial distress of the State rendered retrenchment in the State expenditures a necessity, and many persons friendly to the cause of popular education, in their desire to extricate the State from her difficulties favored the reduction of the appropriation for schools. In 1877 the Legislature went so far as to pass an act abolishing the office of county superintendent and practically abolished that of the state superintendent also. This false step was arrested only by the governor's veto.

The superintendent's report for the year ending August 31, 1880, shows a marked improvement not only in the number of schools, but also in the character of the instruction afforded. The scholastic population at that time numbered 544,862, of whom 290,141 were enrolled in the

*Marion County not reporting.

public schools, and 41,068 in private schools. The number of teachers employed was white, 3,506, and colored 1,247. The aggregate receipts from all sources for school purposes amounted to \$930,734.33. Out of the ninety-four counties in the State only ten failed to levy a school tax.

The census reports of 1880 present conclusive evidence of increased efficiency in the schools of the State. During the preceding decade the increase in the number of white illiterates was only eleven and four-tenths per cent, while the increase in white population was twenty-one and seven-tenths per cent. This in contrast with the report of 1870 is a gratifying improvement. The following statistics for the year ending August 31, 1885, afford still further proof that the public schools throughout the State are steadily advancing. The scholastic population numbered 609,028, of whom 156,143 were colored; 7,214 teachers taught in 6,605 schools, with an aggregate enrollment of 373,877, and an average daily attendance of 150,502 white, and 41,901 colored pupils. Total amount of school money received, including the balance on hand at the beginning of the year, was \$1,308,839.17. The number of school-houses in the State was 5,066, of which 289 were erected during the year. A great improvement in the character of the houses is noticed. While ten years before a large part of the houses built were logs, out of 289 built in 1880 only fifty-nine were of that kind. The estimated value of school property at that time was \$1,375,780.86. The following table shows the average number of days in which the schools were in session for each year since the establishment of the present system:

1874.....	77	1880.....	63
1875.....	67	1881.....	86
1876.....	71.9	1882.....	73
1877.....	70	1883.....	78
1878.....	77	1884.....	78
1879.....	69	1885.....	80

For the past three years the office of superintendent of public instruction has been filled with marked ability by Thomas H. Paine, who is doing much to sustain and advance the educational interests of the State. Although the condition of the public schools is not entirely satisfactory, the progress that has been made during the past ten years has assured their permanency. Heretofore one of the greatest impediments to efficient schools has been the lack of competent teachers, but this obstacle is gradually being removed. The normal schools are annually sending out increased numbers of trained teachers, while institutes and associations are doing much to improve those already in the work. It can hardly be expected, however, that the best results will be attained until the school revenue is in some way sufficiently increased to furnish

the youth of the State an average of more than seventy-five days of school in a year. During the winter of 1884-85 an educational exhibit was made at the World's Industrial and Cotton Centennial Exposition at New Orleans. This department was placed under the direction of Prof. Frank Goodman, of Nashville, who by energy and persistency succeeded in presenting an exhibit which did not suffer in comparison with any other State. All the leading colleges, seminaries and high schools in the State were represented.

In the early part of this chapter the history of Cumberland College was traced to the election of Dr. Priestly as president of the board of trustees in 1810. The exercises of the institution were conducted by him until 1816, when they were suspended and so continued until his re-election for a second term in 1820. The college was then re-opened, but was soon compelled to suspend again on account of the death of Dr. Priestly, which occurred in February, 1821. The institution then remained closed until the autumn of 1824, when Dr. Phillip Lindsley, who had just refused the presidency of Princeton College, was prevailed upon to take charge of it. At that time, of the 240 acres originally granted to the college, only about six remained. This formed the old college campus and included the site of the present medical college. In 1825 a farm of 120 acres near the college was purchased at \$60 per acre. Portions of this land were soon after sold for about \$17,000, leaving thirty acres. Dr. Lindsley reorganized the institution, and it was opened for the winter session of 1824-25 with thirty-five students. It was his aim and desire to make Nashville the great educational center of the Southwest. He planned the building of a university to consist of several colleges, like those of Oxford and Cambridge. Accordingly on November 27, 1826, the Legislature passed an act to incorporate the trustees and officers of Cumberland College under the name of the University of Nashville. The following is the preamble to the act:

WHEREAS, it is represented to be the wish of the trustees of Cumberland College to erect several additional halls and colleges besides that heretofore known and still to be known by the name of Cumberland College on their grounds near Nashville, and to establish additional schools thereon, and by a union of the whole to build up a university and thereby to enlarge their sphere of operations and increase their means of usefulness.

This change, however, proved to be only in name, as the university continued with the same departments and under the same organization as the college. The number of students gradually increased until the summer of 1836, when the attendance reached 126. From that time until 1850, when the institution was suspended, the attendance decreased. This was owing in a great measure to the large number of similar institutions which had been established in the State. In an address delivered

in 1847, Dr. Lindsley says: "When this college was revived and reorganized at the close of 1824, there were no similar institutions in actual operation within 200 miles of Nashville. There were none in Alabama, Mississippi, Louisiana, Arkansas, Middle or West Tennessee. There are now some thirty or more within that distance, and nine within fifty miles of our city."

A report on the university made in 1850 by a committee consisting of L. P. Cheatham, F. B. Fogg, E. H. Ewing, John M. Bass and R. J. Meigs, has the following concerning the attendance: "During the whole of this time (1824-50) the number of students has been larger than that of any other institution in Tennessee, when the following facts are taken into consideration. There is no preparatory school attached to the university, and the students have usually been members of the college classes proper. Most students when they come to enter the University of Nashville, come to enter the junior class, and usually two-thirds of the whole number of students are members of the junior and senior classes."

The whole number of regular graduates with the degree of Bachelor of Arts from 1813 to 1824 were 18; from 1824 to 1850, 414. The total number of students matriculated in the regular college classes during the latter period was 1,059.

Dr. Lindsley was a thorough scholar, and under his management the college maintained a high standard. "Under its influence grew up a cultivated, liberal community; through its influence and by the efforts of the young men sent forth to engage in and to encourage education, sprang up twenty colleges within fifty miles of Nashville, to divide, distract and compete with the university, and at the same time to accomplish much good. It was the inevitable conflict of localities which had to demonstrate that every village cannot be a seat of learning. It prepared the soil in which great institutions take deep root and flourish—the soil which has developed the public school system and attracted hither Vanderbilt University, the Normal School, and brought here the Fisk, Tennessee Central and Baptist Normal and Theological Colleges to engage in the great work of the elevation of the African race of America."*

The university exercises were suspended in 1850, the old college building being transferred to the medical department, which was then organized. For several years previous the organization of a medical department of the university had been under contemplation. So early as 1843 a committee of the board of trustees reported it advisable to at once establish a medical school. The subject continued to be agitated

*H. M. Doak.

